

# 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.

**NOVEMBER 15, 2016**

**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 and comments shall be limited to three minutes per individual or group.**

- I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Fletcher
- 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. Community Development and Services

- 1. [\(487-1116\) Approve Floodplain Development Variance for agricultural structure at APN 015-180-109, 1415 Pumpkin Lane.](#)
- 2. [\(488-1116\) Authorize Cooperative Work Agreement with Caltrans for Waldo Road Bridge Replacement Project and authorize Chair to execute upon review and approval of County Counsel.](#)
- 3. [\(489-1116\) Award contract to All-American Construction, apparent low bidder, for Intersection Improvements at Olivehurst Avenue and Powerline Road and authorize Chair to execute upon review and approval of County Counsel.](#)
- 4. [\(490-1116\) Adopt resolution summarily vacating drainage easement on APN's 021-550-017, APN 021-550-018 and APN 021-550-019.](#)
- 5. [\(491-1116\) Adopt resolution vacating a portion of Linda Avenue, Road number 360, East of Yuba College and South of North Beale Road, reconveying the vacated portion to Yuba Community College District, and authorizing Chair to execute Quit Claim Deed.](#)
- 6. [\(492-1116\) Adopt resolution authorizing Director of Public Works to complete and execute of any/all necessary documents to purchase westerly 1.5 acres of APN 019-270-010 for Goldfields Parkway project upon review and approval of County Counsel.](#)

B. Emergency Services

- 1. [\(493-1116\) Adopt resolution proclaiming the existence of ongoing local drought emergency in Yuba County pursuant to Government Code 8630.](#)

C. Health and Human Services

- 1. [\(494-1116\) Adopt resolution authorizing Chair to accept and appropriate grant funds in the amount of \\$60,000 from First Five Yuba for the period of August 1, 2016 - June 30, 2019, and execute related agreements and other pertinent documents upon review and approval of County Counsel.](#)

D. Treasurer and Tax Collector

1. [\(495-1116\) Receive Yuba County Investment Pool Statement of Investment Policy for 2017.](#)

IV. **SPECIAL PRESENTATION**

- A. [\(496-1116\) Receive presentation on Williams Report from Superintendent of Schools pursuant to Education Code 1240. \(Ten minute estimate\)](#)
- B. (497-1116) Receive update on US Forest Land Management Plan from Regional Ranger Karen Hayden, Tahoe National Forest. (No background material. Ten minute estimate)

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

VI. **COUNTY DEPARTMENTS**

- A. Administrative Services
  1. [\(498-1116\) Approve Estoppel Certificate acknowledging pending sale of Packard Avenue Building and authorize Chair to execute. \(Ten minute estimate\)](#)
- B. Community Development and Services
  1. [\(499-1116\) Adopt resolution authorizing the Director to execute all documents associated with the exchange of APN 016-040-105 for APN 020-133-012, multi-family parcels, upon review and approval of County Counsel.](#)

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

- A. [\(486-1116\) Ordinance - Hold public hearing, waive reading and adopt ordinance repealing and re-enacting certain sections of Chapters 10.05 of the Yuba County Ordinance Code relating to standards of construction. \(Second Reading\) \(Roll Call Vote\) \(Five minute estimate\).](#)

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

- A. [\(500-1116\) Letter from Auditor Controller enclosing Independent Audit Report of financial records for First Five Yuba for year ending June 30, 2016.](#)
- B. [\(501-1116\) Notice of Findings from California Fish and Game Commission regarding Livermore tarplant and Townsend's big-eared bat.](#)

IX. **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.

X. **CLOSED SESSION**

- A. Personnel pursuant to Government Code 54957.6(a) - Labor Negotiations DSA/County of Yuba

XI. **ADJOURN**

Finance and Administration Committee - Supervisors Abe and Fletcher, Alternate Supervisor Vasquez -

- A. [\(502-1116\) Consider resolutions amending Classification System- Base Salary/Hourly Schedules and Department Allocation Schedule as it relates to Assessor's Office - Human Resource and Assessor's Office \(Five minute estimate\)](#)
- B. [\(503-1116\) Consider resolutions amending Classification System - Basic Salary/Hourly Schedule and Department Allocation Schedule as it relates to Administrative Services Department. Human Resources and Administrative Services \(Five minute estimate\)](#)

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

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

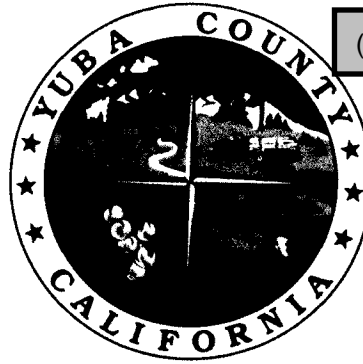
# The County of Yuba

## 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

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487-1116  
(487-1116) Appro... - 1 of 4

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**TO:** BOARD OF SUPERVISORS

**FROM:**   
Daniel Peterson, Principal Engineer / Public Works

**SUBJECT:** Floodplain Development Variance for an Agricultural Structure at APN 015-180-109 (1415 Pumpkin Lane)

**DATE:** November 8<sup>sup</sup>, 2016

### *Recommendation*

That the Board approve a Floodplain Development Variance for an Agricultural Structure at APN 015-180-109 (1415 Pumpkin Lane).

### *Background*

The owners of APN 015-180-109, located on 1415 Pumpkin Lane are proposing to construct a 1,816 square foot agricultural building. The new building will be used exclusively for storing agricultural equipment, crops, and supplies necessary to sustain the surrounding pumpkin farm.

### *Discussion*

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

### *Fiscal Impact:*

There is no fiscal impact to Yuba County.

Attachment: Floodplain Development Variance Application

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# COUNTY OF YUBA

## APPLICATION FOR FLOODPLAIN DEVELOPMENT VARIANCE

OFFICE USE ONLY		
Application No.: <u>2016-3</u>	Date Filed: <u>9/29/16</u>	Receipt No.:

**Applicant**

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

**Property Location and Address:** 1415 Pumpkin Lane, Wheatland, CA 95692

**Assessor's Parcel No(s):** 015-180-109 **Zoning:** AE-PD (City of Wheatland)

**Proposed Building Type/Use:** Agricultural (Barn)

**Proposed Building Size:** 2,816 (sq ft) **Proposed Finish Floor Elevation:** 74.4'

**Existing Ground Elevation at Proposed Building Site:** 73.2' (NGVD 1929)

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

**FIRM Map/Panel No:** 06115C 0445D **Flood Zone:** A **Base Flood Elevation:** 76.0'

Property Owner	Applicant
NAME: <u>Wayne Bishop</u>	<u>(same)</u>
ADDRESS: <u>1415 Pumpkin Lane</u>	<u>(same)</u>
CITY: <u>Wheatland</u>	<u>(same)</u>
PHONE: <u>(530) 301-3826</u>	<u>(same)</u>

**SIGNATURE OF PROPERTY OWNER:** Wg/B

OFFICE USE ONLY	
Floodplain Administrator Recommendation:	DATE: <u>9/29/16</u>
<input checked="" type="checkbox"/> APPROVE <input type="checkbox"/> CONDITIONAL APPROVAL <input type="checkbox"/> DENY	
DISPOSITION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED by the Land Use & PW Committee:	
DATE: _____	
DISPOSITION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED by the Board of Supervisors:	
DATE: _____ Floodplain Administrator Signature: _____	
Conditions Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No	
I agree to accept the Variance subject to the provisions of the Floodplain Management Ordinance and the Conditions of Approval of the permit.	
Owner's Signature: _____	Date: _____

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

# COUNTY OF YUBA FLOODPLAIN DEVELOPMENT VARIANCE APPLICATION

OFFICE USE ONLY		
Application No.: 2016-3	Date Filed: 9/29/16	Receipt No.:

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

### Type of Variance Requested:

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

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

### **Staff recommendation:**

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

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

9/29/2016  
 \_\_\_\_\_  
 Date

# The County of Yuba

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488-1116  
(488-1116) Autho... - 1 of 2

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November 15, 2016

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL G. LEE, DIRECTOR OF PUBLIC WORKS

SUBJECT: Authorize Board Chair to Execute a Cooperative Work Agreement with Caltrans for the Waldo Road Bridge Replacement Project

### RECOMMENDATION:

Authorize Board Chair to Execute a Cooperative Work Agreement (CWA) with Caltrans for the Waldo Road Bridge Replacement Project pending approval from County Counsel.

### BACKGROUND:

All State and Federal funds are assigned an appropriation year and the annual State Budget Act authorizes reimbursements through the assigned year. If the funds are not expended within the time frame the funds will revert back to the State or Federal agency supplying the funds unless a CWA is executed by the County with Caltrans to extend the appropriation time of the funds.

### DISCUSSION:

It is common for projects to be delayed, usually by environmental and/or right of way issues. Completion of the Preliminary Engineering (PE) phase of the Waldo Road Bridge project is being delayed due to additional environmental/cultural resource studies being required. An Archaeological Evaluation (Phase II) Investigation and Report was deemed necessary through the environmental process. We have selected a qualified consultant to perform the cultural investigation but due to weather constraints, by the time the investigation and report are completed the PE phase of the project will be ineligible for reimbursement. By executing the CWA with Caltrans, the County will be extending the availability of the funds until April 2019.

### COMMITTEE ACTION:

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

### FISCAL IMPACT:

There is no additional fiscal impact to County if the CWA is executed. The additional work is Federal-aid eligible and is funded 100% by the HBP program.

488-1116

District	Agency	Work Performed and Location	Federal Project #	Project Code	Phase Code	Fund Description	Encumbrance Amount	Reimbursed	Unliquidated Balance		Reason for Delay	Obstacles to Future Completion	Consequences if CWA is not approved	Date Funding expended if CWA approved	Contact Name
03	Yuba County	Bridge Replacement Waldo Road at Dry Creek 1.9 miles South of Smartville Road.	BRLO-5919(051)	0300000775	SE1	0890	\$6,746,427	\$6,459,491	\$286,936						
03	Yuba County	Bridge Replacement Waldo Road at Dry Creek 1.9 miles South of Smartville Road.	BRLO-5916(092)	0300020705	SE1	0890	\$323,000	\$169,215	\$153,785	Yes	Environmental studies. Project requires an Archaeological Evaluation Proposal (AEP)Phase II study	None	Project will not be completed	4/1/2019	Tim Young

Agency's Board or Council Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_ Roger Abe

Date: \_\_\_\_\_

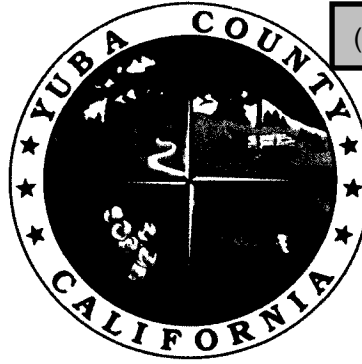
# The County of Yuba

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(489-1116) Award... - 1 of 2

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November 15, 2016

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL G. LEE, DIRECTOR OF PUBLIC WORKS

SUBJECT: Award Contract 2016-2235 to Apparent Low Bidder For the Intersection Improvements at Olivehurst Avenue and Powerline Road

### RECOMMENDATION:

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

### BACKGROUND:

This project will provide a safer intersection and enhance pedestrian safety by providing sidewalks and lighting as well as improving drainage at the intersection of Olivehurst Avenue, Powerline Road and Chestnut Road. The three lowest bids, received October 28, 2016, were as follows:

<u>All-American Construction</u>	<u>\$ 999,264.65</u>
<u>Lamon Construction</u>	<u>\$1,068,555.20</u>
<u>Knife River Construction</u>	<u>\$1,183,546.15</u>

### DISCUSSION:

The work in general consists of constructing a roundabout by placing curb, gutter, and sidewalk, hot mix asphalt, storm drain facilities, street lighting, landscaping and thermoplastic striping. The engineer's estimate for construction of the project was \$1,100,000. The project will be primarily funded with RSTP funds (\$717,000). The project is expected to be completed by September 2017.

### COMMITTEE ACTION:

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

### FISCAL IMPACT:

Construction of the project will be funded with \$717,000 of RSTP funding with the remaining \$282,264.65 coming from Trust 188, Countywide Traffic Impact Fees.

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# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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490-1116  
(490-1116) Adopt... - 1 of 6

749-5440 • Fax 749-5616

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November 15, 2016

To: Yuba County Board of Supervisors

From: Michael Lee, Director of Public Works

SUBJ: Summary Vacation of a drainage easement on APNs 021-550-017, 018, 019

**RECOMMENDATION:** The Department of Public Works recommends adopting the attached resolution summarily vacating a drainage easement on APNs 021-550-017, 018, 019 as shown in the attached Exhibit "A"

**BACKGROUND:** In the 1990's a temporary retention pond was built as part of the College View Subdivision, Unit 2. The retention pond has not been functional or used for many years, and the pump in the basin was long ago removed.

The retention pond was to be utilized until such time as necessary downstream improvements were made to accommodate the drainage water from the subdivision. At the time of development, the developer entered into a Retention Pond Agreement with the County, recorded October 8, 1992, at Recorder's Document Number 92-12659, and deposited money in Trust 396 to be used for filling in the basin. In the Retention Pond Agreement, the County agreed to abandon and reconvey the drainage easement for the temporary pond upon acceptable alternative drainage facilities being provided and approved by Public Works. Adequate downstream improvements have since been completed, including the construction of the Olivehurst Interceptor and the removal of a small culvert in the Linda Drain on the west side of Yuba College.

As part of the Goldfields Parkway project, excess dirt was generated. Public Works took advantage of this excess dirt to fill in the temporary retention basin. This not only saved construction costs for the Goldfields Parkway project as we did not have to pay the contractor to dispose of the excess dirt, but it was very advantageous having a borrow site in such close proximity to the basin.

**DISCUSSION:** Section 8333 of the Streets and Highways Code provides for the Summary vacation of a public service easement if one of three criteria are met. In this case the criterion that is met is:

- “The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.”

It is this department's determination that this easement fits the Streets and Highways Code for a summary vacation. The Public Works Department recommends adopting the attached resolution summarily vacating the drainage easement on APNs 021-550-017, 018, 019.

COMMITTEE ACTION: The Land Use & Public Works Committee was bypassed as this is a cleanup item or follow through item on plans that were previously approved by the full Board.

FISCAL IMPACT: An unspecified annual cost savings to CSA 52 will be recognized as there will no longer be weed abatement and drainage maintenance associated with the basin. The cost of filling the basin was covered using a contribution from the developer, with the money having been housed in Trust 396.

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

IN RE:

RESOLUTION VACATING DRAINAGE                     )  
EASEMENT ON APNS 021-550-017,                     )  
021-550-018, AND 021-550-019                     )

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

WHEREAS, a temporary retention pond was built over Lots 30 through 32 of College View Subdivision, Unit 2 delineated on the map (Exhibit "A") attached hereto and made a part hereof; and

WHEREAS, the retention pond was to be utilized until such time as necessary downstream improvements were made to accommodate the drainage water from the subdivision; and

WHEREAS, the Yuba County Board of Supervisors entered into a Retention Pond Agreement with Stamas Corporation, recorded October 8, 1992, at Recorder's Document Number 92-12659, agreeing to abandon and reconvey the drainage easement for the retention pond over Lots 30 through 32 upon acceptable alternative drainage facilities being provided and approved by the Public Works Department; and

WHEREAS, said improvements have been completed to accommodate the drainage water from the subdivision; and

WHEREAS, there are no other public facilities located within the easement to be vacated; and

WHEREAS, this vacation is made pursuant to Division 9, Chapter 4 of the Streets and Highways Code commencing at section 8330.

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NOW, THEREFORE, the Yuba County Board of Supervisors hereby resolves:

1. The foregoing recitals are true and correct.
2. The drainage easement delineated on map Exhibit "A" is hereby summarily vacated.
3. From and after the date this resolution is recorded, the drainage easement hereby vacated shall no longer constitute a drainage easement or other public easement.
4. The Clerk of the Board of Supervisors shall cause a certified copy of this resolution to be recorded in the office of the County Recorder.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_  
2016, by the Board of Supervisors of the County of Yuba, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Roger Abe, Chair

ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors

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

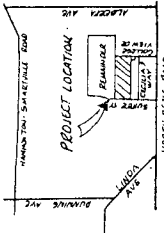
Countney C. Ahn

# EXHIBIT "A"

(490-1116) Adopt... - 5 of 6

## BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY ARE IDENTICAL TO THE BEARINGS AS SHOWN ON THE MAP OF "TRACT NO. 84-384" AS RECORDED IN BOOK 50 OF MAPS AT PAGE 48, YUBA COUNTY RECORDS AND WERE ESTABLISHED FROM FOUND MONUMENTS.



## LEGEND

- SET 5/8" REBAR W/PLASTIC CAP
- STAMPED RICE 18842
- NOTHING FOUND, NOTHING SET
- FD. 5/8" REBAR W/PLASTIC CAP
- STAMPED RICE 18842
- MONUMENTS FOUND AS NOTED
- R1 RECORD OF SURVEY 11/19/85/22
- R2 COLLEGE VIEW SUBDIVISION 50/19/85/148
- R3 RECORD OF SURVEY 53/19/85/13
- SET STD. YUBA CO. MON. IN WELL

REMAINDER  
LOT A (1831)

SCALE: 1" = 60'

TOTAL AREA IN SUBD. = 24.61 ACRES  
AREA IN LOTS = 22.50 ACRES  
AREA IN ROADS = 2.11 ACRES

## TSTM 84-384 COLLEGE VIEW UNIT 2

BEING A DIVISION OF A PORTION OF LOT "A" AS RECORDED IN LOT LINE ADJUSTMENT 90-11 BOOK 53 OF MAPS AT PAGE 13 YUBA COUNTY RECORDS, SITUATED IN SEC 21, T. 15N., R. 12E. & M. YUBA COUNTY, CALIFORNIA

## KEY & ASSOCIATES

CIVIL ENGINEERS  
YUBA CITY, CA  
JULY  
TEL: 916-674-1556

Curve	Radius	Delta	Length	Tangent	Chord/Bearing
C1	20.00'	90°54'51"	31.74'	28.32'	M46-07-44 W
C2	20.00'	89°05'09"	31.10'	18.80'	M46-07-44 E
C3	20.00'	89°05'09"	31.10'	18.80'	M43-52-19 E
C4	20.00'	89°05'09"	31.10'	18.80'	M46-07-44 E
C5	20.00'	89°05'09"	31.10'	18.80'	M43-52-19 E

PROPOSED DRAINAGE  
EASEMENT ABANDONMENT

FD. STD. YUBA COUNTY  
MON. IN WELL PER R2

FD. STD. YUBA COUNTY  
MON. IN WELL PER R2

FD. STD. YUBA COUNTY  
MON. IN WELL PER R2

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# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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915 8<sup>th</sup> Street, Suite 125  
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www.co.yuba.ca.us



491-1116  
(491-1116) Adopt... - 1 of 8

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

November 15, 2016

To: Yuba County Board of Supervisors

From: Michael Lee, Director of Public Works

A handwritten signature in black ink, appearing to read "Michael Lee", is written over the name in the "From:" line.

SUBJ: Summary Vacation of a Portion of Linda Avenue, road number 360, east of Yuba College and south of North Beale Road, and Reconveyance of the Vacated Portion to the Yuba Community College District

**RECOMMENDATION:** The Department of Public Works recommends adopting the attached resolution summarily vacating a portion of Linda Avenue as described in the attached Exhibit "A" and shown on Exhibit "B", reserving therefrom public service easements; together with authorizing the Chairman of the Board to sign the Quitclaim Deed reconveying fee interest to Yuba Community College District, the original Grantor.

**BACKGROUND:** That portion of Linda Avenue to be vacated is part of the 80 foot wide right of way (easement) described in the Grant Deed from Yuba County Junior College District to Yuba County, recorded February 1, 1961, in Book 317, Yuba County Official Records page 96, and a fee strip of land described in Exhibit B of the Quitclaim Deed from Yuba Community College District to the County of Yuba, recorded October 13, 2004, as document number 2004R-021151. This part of Linda Avenue is a gravel road connecting North Beale Road to Griffith Avenue. Completion of the construction of Goldfields Parkway between Erle Road and North Beale Road has superseded the need for this connection.

**DISCUSSION:** Sections 8330 through 8336 of the Streets and Highways Code provides for the Summary vacation of a street or highway which has been superseded by relocation and meets certain criteria. The criteria require that:

- (a) The right-of-way be an excess not required for street or highway purposes.
- (b) Does not cut off all access to a person's property which, prior to relocation, adjoined the street or highway.
- (c) Does not terminate a public service easement in which public utility facilities are located.

It is this department's determination that this vacation fits the above criteria for a summary vacation. The Public Works Department recommends adopting the attached resolution summarily vacating a portion of Linda Avenue and authorize the Chair of the Board to sign the Quitclaim Deed reconveying the property to Yuba Community College District.

COMMITTEE ACTION: The Land Use & Public Works Committee was bypassed as this is a cleanup item or follow through item on plans that were previously approved by the full Board.

FISCAL IMPACT: None

RESOLUTION SUMMARILY ) RESOLUTION NO. \_\_\_\_\_  
VACATING A PUBLIC ROAD OVER )  
A PORTION OF LINDA AVENUE #360 )

-1-

Government Code §65402(a) shall not apply to this summary vacation because it is minor in nature.

NOW, THEREFORE, the Yuba County Board of Supervisors hereby finds, declares, orders and resolves:

1. That the foregoing recitals are true and correct.
2. That this vacation is made pursuant to Streets and Highways Code section 8330 et seq.
3. That the public road hereinabove described is hereby summarily vacated.
4. That from and after the date this resolution is recorded, the right of way is hereby summarily vacated and shall no longer constitute a street or highway.
5. That the chairman of the Board of Supervisors is directed to execute a quit claim deed from the County of Yuba to Yuba Community College District, the original Grantor, for the piece of land described in Exhibit "A" and shown on Exhibit "B", reserving therefrom an easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures in, upon, over, and across a street or highway proposed to be vacated and, pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, and water, and for incidental purposes, including access to protect these works from all hazards in, upon,

and over the street or highway proposed to be vacated.

6. The Clerk of the Board of Supervisors shall cause a certified copy of this resolution to be recorded in the office of the County Recorder, 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 \_\_\_\_\_, 2016, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Roger Abe  
Chairman of the Board of Supervisors

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:  
Angil Morris-Jones  
County Counsel

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

By: Courtney C. H.

**Exhibit A**

All that real property situate in the County of Yuba, State of California, lying within the NW  $\frac{1}{4}$  of Section 28 of Township 15 North, Range 4 East, M.D.B.&M., being a portion of that certain real property described in deed to Yuba Junior College District recorded July 15, 1960, in Book 303, Yuba County Official Records page 181, more particularly described as follows:

All of that 80 foot wide right of way described in the Grant Deed from Yuba County Junior College District to Yuba County, recorded February 1, 1961, in Book 317, Yuba County Official Records page 96, and all of the strip of land described in Exhibit B of the Quitclaim Deed from Yuba Community College District to the County of Yuba, recorded October 13, 2004, as document number 2004R-021151, lying northerly of the following described line;

Commencing at the intersection of the southerly right of way line of North Beale Road with the east line of the northwest  $\frac{1}{4}$  of said Section 28; thence, along said east line, South  $00^{\circ} 23' 02''$  East, a distance of 1179.25 feet to the point of beginning of the herein described line; thence, South  $16^{\circ} 39' 26''$  West a distance of 272.98 feet to the west line of the aforementioned 80 foot wide right of way, and there terminating.

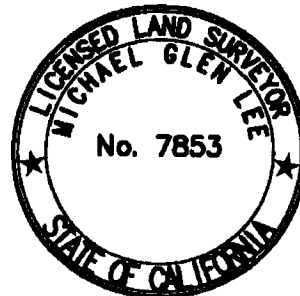
Bearings are based the Quitclaim Deed from Yuba Community College District to the County of Yuba, recorded October 13, 2004, as document number 2004R-021151.

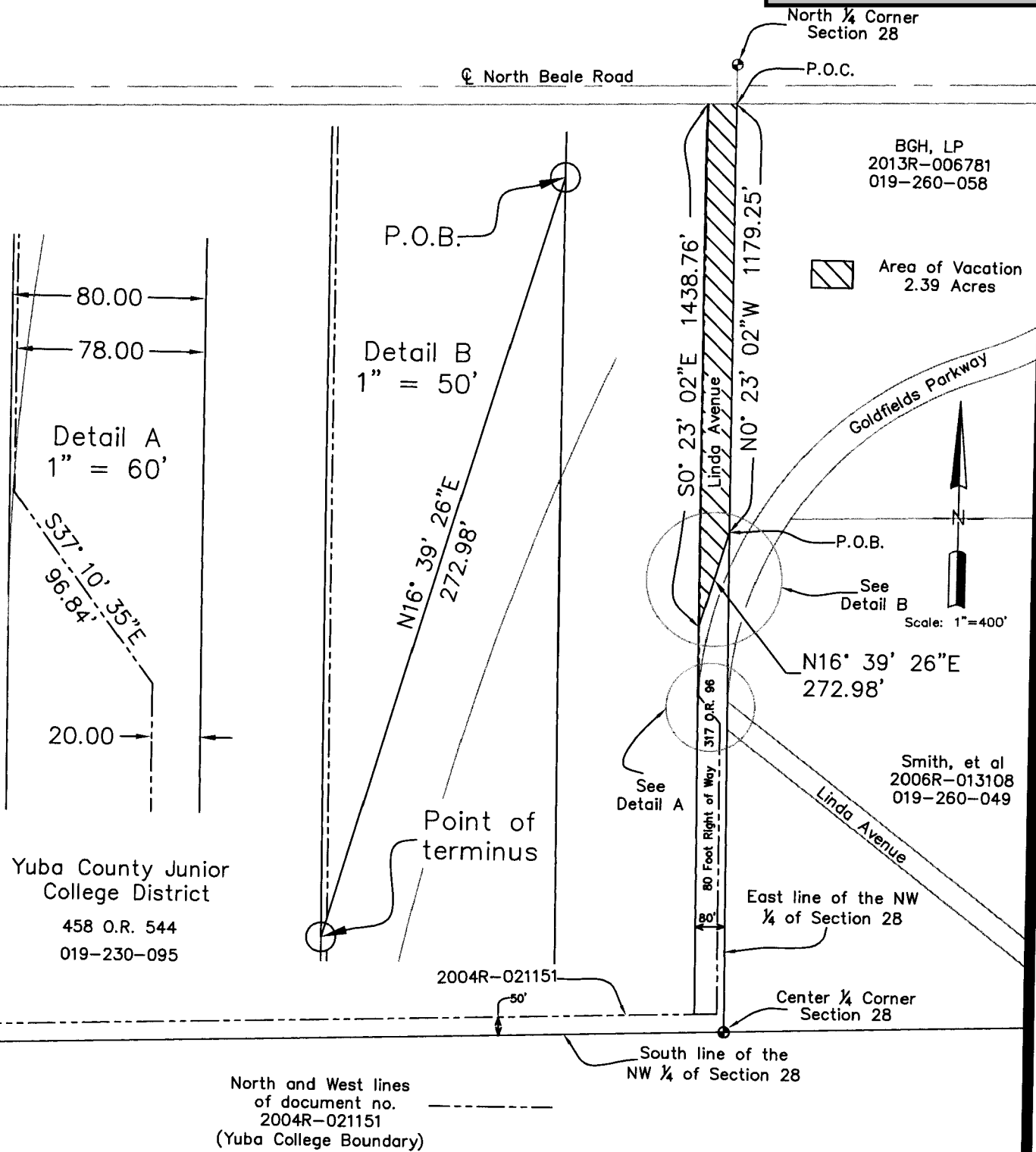
Portion of APN: 019-230-095

Dated: October 26, 2016



Michael G. Lee, PLS 7853  
County Surveyor – County of Yuba





1 inch = 400 ft.

## YUBA COUNTY PUBLIC WORKS

### EXHIBIT B

#### RIGHT OF WAY DISPOSAL

Yuba College, A.P.N. 019-260-095  
Goldfields Parkway Project 8084

Drawn by: JBO Date: Oct 17, 2016 Sheet 1 of 1

Road Linda Avenue  
Road No. 360  
A.P. No. None  
Goldfields Parkway Project

(491-1116) Adopt... - 8 of 8

Recorded at the Request of and:  
When Recorded Return To:

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

The undersigned grantor(s) declare(s):  
Documentary transfer tax is \$0.00 (R&T Code  
§ 11911, Value does not exceed \$100.00)

## QUIT CLAIM DEED

For value received:

The County of Yuba,  
a political subdivision of the State of California

hereby

REMISES, RELEASES AND FOREVER QUIT CLAIMS

to

Yuba Community College District

All that real property situate in the unincorporated area of the County of Yuba, State of California,  
described as follows:

LEGAL DESCRIPTION, (EXHIBIT A) and EXHIBIT PLAT, (EXHIBIT B)  
attached hereto and made a part hereof by this reference

Reserving therefrom an easement for public utilities.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

County of Yuba

By: \_\_\_\_\_  
Roger Abe  
Yuba County Board of Supervisors

Approved as to form:  
Angil Morris-Jones, County Counsel

By: Courtney C. Am

# The County of Yuba

## Community Development & Services Agency

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



492-1116  
(492-1116) Adopt... - 1 of 6

CODE ENFORCEMENT  
749-5455 • Fax 749-5424

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


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

PLANNING  
749-5470 • Fax 749-5434

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

November 15, 2016

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL LEE, PUBLIC WORKS DIRECTOR 

SUBJ: ROAD RIGHT OF WAY ACQUISITION FOR GOLDFIELDS PARKWAY, PORTION  
OF APN 019-270-010

### RECOMMENDATION:

Adopt the attached resolution authorizing the Public Works Director to complete the purchase of the western 1.5 acres of APN 019-270-010 for the Goldfields Parkway project, including the execution of any necessary documents subject to County Counsel review.

### BACKGROUND:

The alignment for Goldfields Parkway was previously adopted by your Board. Public Works became aware that this property owner was interested in selling a portion of their property for the Goldfields Parkway project and the westernmost 1.5 acres of the subject property is located along the alignment of the future Goldfields Parkway.

### DISCUSSION:

This is a critical parcel on the portion of the Parkway between Hammonton Smartsville Road and N. Beale Road. Upon completion of this acquisition, the County will have possession of all but two parcels for this portion of the Parkway.

### COMMITTEE ACTION:

The Land Use & Public Works Committee was bypassed as this purchase was previously discussed with the full Board in closed session.

### FISCAL IMPACT:

Approximately \$55,000 from Trust 192 to cover the cost of acquisition, including title/escrow fees, and other miscellaneous costs. An appraisal was performed by an independent appraiser and the purchase price was substantiated.

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

**RESOLUTION AUTHORIZING PUBLIC )  
WORKS DIRECTOR TO COMPLETE )  
PURCHASE OF WESTERN 1.5 ACRES OF )  
APN 019-270-010 AND EXECUTE ALL )  
DOCUMENTS NEEDED TO )  
COMPLETE PURCHASE/ESCROW )**

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

**WHEREAS**, the owners of APN 019-270-010, Darryle and Jerry Kay Stubblefield, are interested in selling 1.5 acres of their property to the County, upon which the future Goldfields Parkway will be located; and

**WHEREAS**, the Board has previously approved the Public Works Director to make, and he has made, a purchase offer for \$52,500 to the seller of the property, which has been accepted; and

**WHEREAS**, purchase costs will be covered by the East Linda Landscaping and Road Improvement fund (Trust 192).

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Yuba hereby authorizes the Public Works Director to complete the purchase of the western 1.5 acres of APN 019-270-010, and execute any necessary documents needed to complete the purchase/escrow, subject to County Counsel review.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2016, by the Board of Supervisors of the County of Yuba, by the following vote:

AYES:

NOES:

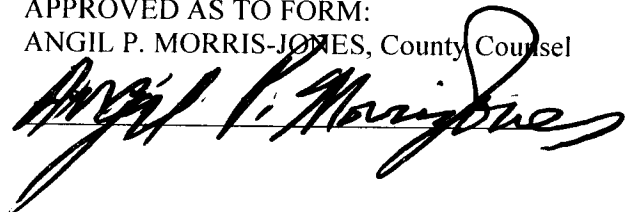
ABSENT:

ABSTAIN:

ATTEST: DONNA STOTTEMEYER  
Clerk of the Board of Supervisors

\_\_\_\_\_  
Roger Abe, Chair

APPROVED AS TO FORM:  
ANGIL P. MORRIS-JONES, County Counsel



COUNTY OF YUBA  
Public Works Dept.  
915 8<sup>th</sup> Street, Suite 125  
Marysville, CA 95901

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PROJECT: Goldfields Parkway  
APN # 019-270-010  
ESCROW # (First American Title Company)

### **ACQUISITION AGREEMENT**

This Agreement is made between the COUNTY OF YUBA, a political subdivision of the State of California ("County"), and Darryle and Jerry Kay Stubblefield, husband and wife as Joint Tenants ("Owner") for certain real property located in the County of Yuba, California, for a public road project on Goldfields Parkway ("the Project").

#### **1) AGREEMENT TO SELL AND PURCHASE**

Owner agrees to sell and convey to County, and County agrees to purchase from Owner, pursuant to the terms and conditions set forth in this Agreement, the real property described in Exhibits A and B ("Property"):

**SEE EXHIBIT "A" and EXHIBIT "B"**

#### **2) PURCHASE PRICE**

County shall pay Owner the sum of FIFTY TWO THOUSAND, FIVE HUNDRED DOLLARS (\$52,500.00) ("Purchase Price") for the Property, including all improvements, damages, and severance, if any, as follows:

Real Property in Fee:	1.50 acres X \$35,000/acre X 100%	\$52,500.00
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#### **3) CONDITION OF TITLE**

Owner warrants that:

- a) They are the owner of the property rights to be transferred by this Agreement and are empowered to execute the conveyance documents and this Agreement.
- b) The Property is not encumbered by any mortgage, deed of trust, or other encumbrance evidencing indebtedness except as may be shown on the Preliminary Title Report.

#### **4) OWNER'S INDEMNIFICATION**

Owner covenants and agrees to indemnify and hold County harmless from any and all claims that third parties may make or assert with respect to the

Property's title. The Owner's obligation herein to indemnify County shall not exceed the amount paid to the Owner under this Agreement.

**5) DELIVERY OF DOCUMENTS/ESCROW**

The Agreement and the Grant Deed (attached hereto with Exhibit A and Exhibit B and incorporated herein by this reference) shall be executed and delivered by Owner to County for the purpose of placing the Property into escrow. County shall not be deemed to have accepted delivery of the property until such time as the deed is recorded in the Official Records of the County of Yuba, California.

Escrow shall close no later than forty-five (45) days after this Agreement is executed by the County, unless extended by mutual agreement of the parties.

**6) ESCROW EXPENSES**

County shall pay all costs of escrow and all recording costs incurred in this transaction.

**7) NOTIFICATION TO ASSESSOR**

County shall provide the County Assessor with a copy of this Agreement once it is executed and recorded so that the County Assessor may determine whether apportionment and cancellation of any taxes resulting for the sale of the Property is appropriate.

**8) ENVIRONMENTAL ASSESSMENT PRIOR TO CLOSE OF ESCROW**

Owner agrees that County may wish to perform an environmental assessment of the Property. Such an assessment includes what is commonly referred to as a Phase I analysis, and, if necessary thereafter, a Phase II analysis. A Phase II analysis may require test borings to determine the existence and extent of any toxic substances or hazardous materials on the Property. County shall return the Property to its pre-existing condition if test borings are done and County thereafter, for whatever reason, does not purchase the Property.

**9) PURCHASE CONTINGENT ON PROPERTY BEING FREE OF TOXICS**

Owner understands and agrees that County has no obligation to purchase the Property if it is determined during an environmental assessment that the Property contains toxic and/or hazardous materials which will require remediation under applicable State and/or federal law.

County will provide to Owner all test results obtained during any environmental assessment.

#### **10) COUNTY'S LIABILITY/RESTORATION OF PROPERTY**

County covenants and agrees to defend, indemnify, and hold harmless Owner from a liability arising out of construction of the Project.

Further, County agrees should damage occur outside of the Property, County will return the surface, to the extent reasonably practicable, to the same condition as existed prior to construction of the Project.

#### **11) POSSESSION AND USE OF THE PROPERTY**

The County shall have the right of possession and use of the Property including the right to remove and dispose of improvements and construct the above-named Project commencing on the date that this Agreement is executed by both parties; provided that County makes no representation that the Project shall be constructed, and no liability or obligation whatsoever shall be incurred by County by reason of any failure to construct the Project for any reason. If the Property is not acquired by County for any reason, County shall restore the Property to the condition existing prior to the County's possession or use hereunder, unless otherwise agreed by the parties.

#### **12) CONFORMANCE OF DRIVEWAYS AND CULVERTS**

The driveways and culverts on Owner's property, if any, shall be reconstructed by the County, as necessary, to conform to street frontage revisions and Owner's property. Said reconstruction shall be provided by the County at no expense to Owner. Permission is hereby granted to the County and its authorized agents and contractors to enter upon Owner's property, where necessary, for the purpose of conforming such driveway and culvert areas.

#### **13) SEVERABILITY**

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall continue in full force without being impaired.

#### **14) GOVERNING LAW/VENUE**

This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any legal action concerning this Agreement shall be venued in the Superior Court of Yuba County.

#### **15) SALE UNDER THREAT OF EMINENT DOMAIN**

County acknowledges that Owner is selling the Property to County for the Project under threat of eminent domain.

## 16) HEIRS, SUCCESSORS AND ASSIGNS

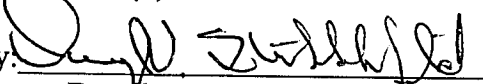
This Agreement shall bind the respective heirs, personal representatives, successors, and assigns of the parties to this Agreement.

## 17) ENTIRE AGREEMENT

This Agreement shall be deemed effective on the date this Agreement is executed by the County.

IN WITNESS WHEREOF, the parties have executed this Agreement as set forth below:

GRANTOR(S):

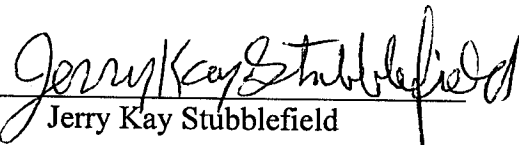
By:   
Daryle V. Stubblefield

GRANTEE:

COUNTY OF YUBA, a political  
subdivision of the state of California

Date: 10/7/16

Date: \_\_\_\_\_

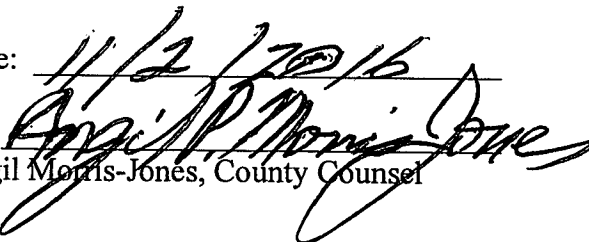
By:   
Jerry Kay Stubblefield

Michael Lee, Public Works Director

Date: 10/7/16

APPROVED AS TO FORM:

Date: 11/2/2016

By:   
Angil Morris-Jones, County Counsel



# COUNTY OF YUBA

## OFFICE OF EMERGENCY SERVICES

(493-1116) Adopt... - 1 of 4

COUNTY ADMINISTRATOR  
DIRECTOR OF EMERGENCY SERVICES

**SCOTT BRYAN**  
EMERGENCY OPERATIONS MANAGER

**BRIANA SCHUETTE**  
EMERGENCY OPERATIONS PLANNER

### Board Memo

To: Board of Supervisors

Fr: Scott Bryan, Emergency Operations Manager *SB*

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

Date: November 15, 2016

### Recommendation:

The Board of Supervisors adopts 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 October 25, 2016.

### Discussion:

With an on-going water shortage affecting the County of Yuba, the final duration of the emergency has not yet been determined. The current seasonal rainfall totals have been below normal when compared to average rainfall totals. The National Weather Service continues to designate the County of Yuba as being in a severe drought and the existence of tree mortality is ever increasing. 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:**

<p><b>THE BOARD OF SUPERVISORS</b></p> <p><b>ADOPT A RESOLUTION</b></p> <p><b>PROCLAIMING THE EXISTENCE OF</b></p> <p><b>AN ONGOING LOCAL DROUGHT</b></p> <p><b>EMERGENCY IN THE COUNTY OF</b></p> <p><b>YUBA.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>RESOLUTION NO. _____</b></p>
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**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 \_\_\_\_\_ 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chair

ATTEST:        DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

APPROVE AS TO FORM:  
COUNTY COUNSEL

\_\_\_\_\_  


# The County of Yuba

(494-1116) Adopt... - 1 of 4

## HEALTH & HUMAN SERVICES DEPARTMENT

**Jennifer Vasquez, Director**

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



**Nichole Quick, MD, MPH**  
**Health Officer**  
Phone: (530) 749-6366

**TO:** Board of Supervisors  
Yuba County

**FROM:** Jennifer Vasquez, Director  
Homer Rice, MPH, PhD, Health Administrator  
Health & Human Services Department

**DATE:** November 15, 2016

**SUBJECT:** Resolution of the Board Authorizing the Chair to accept and appropriate funds and authoring the Health and Human Services Department, through its Public Health Division, to Enter into Agreement with First 5 Yuba Commission for Grant Funds

**RECOMMENDATION:** It is recommended that the Board of Supervisors approve the Resolution of the Board authorizing the Chair to accept and appropriate grant funds from First 5 Yuba Commission in the amount of \$60,000.00, for the period of August 1, 2016 through June 30, 2019, to conduct comprehensive screening and assessment services available to all children ages 0 – 5 in Yuba County and enter into and execute the agreement and other related documents.

**BACKGROUND:** First 5 Yuba Commission has made funds available through the Help Me Grow Yuba County no-cost program that aims to coordinate services and support for families of children ages five and under, specifically targeting children at-risk for developmental delays and/or behavioral challenges. Services are tailored to each family and may include enrollment into a developmental screening program, coordination of community agency referrals, family navigation and more.

**DISCUSSION:** This Resolution of the Board would allow the Health and Human Services Department to enter into Agreement with First 5 Yuba Commission and to accept \$60,000.00 in grant funds to increase access to developmental services.

**COMMITTEE:** Due to time constraints this item was not presented to the Human Services Committee.

**FISCAL IMPACT:** Approval of this Resolution of the Board will not impact County General Funds.

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

**RESOLUTION AUTHORIZING THE  
CHAIR OF THE BOARD TO ACCEPT  
AND APPROPRIATE GRANT FUNDS  
FROM FIRST 5 YUBA FOR THE  
PERIOD OF AUGUST 1, 2016 – JUNE  
30, 2019, AND EXECUTE RELATED  
AGREEMENTS AND OTHER  
PERTINENT DOCUMENTS**

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

**WHEREAS**, First 5 Yuba Commission has made funds available through the Help Me Grow Yuba County Program; and

**WHEREAS**, Yuba County Health and Human Services Department (YCHHSD), through its Public Health Division, has been awarded funds in the amount of \$60,000.00, for the period of August 1, 2016 through June 30, 2019, to conduct comprehensive screening and assessment services available to all children ages 0 – 5 in Yuba County; and

**WHEREAS**, Help Me Grow Yuba County is a no-cost program that aims to coordinate services and support for families of children ages five and under, specifically targeting children at-risk for developmental delays and/or behavioral challenges. Services are tailored to each family and may include enrollment into a developmental screening program, coordination of community agency referrals, family navigation and more.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Yuba as follows: That the Chair of the Board is hereby authorized to accept \$60,000.00 for the period of August 1, 2016 through June 30, 2019, from the Help Me Grow Yuba Program; and

///

///

**BE IT FURTHER RESOLVED** by the Yuba County Board of Supervisors that the Chair is hereby authorized to enter into and execute, upon review and approval of County Counsel, the agreement for First 5 Yuba Commission funding and other related documents; and execute amendments, agreements and/or memorandums of understanding developed under this sponsorship grant. A copy of the said agreements or any amendment(s) thereto shall be filed in the office of the Clerk of the Board, 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 \_\_\_\_\_, 2016, by the following vote:

AYES:

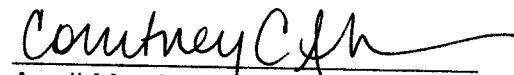
NOES:

ABSENT:

\_\_\_\_\_  
Chair

ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors  
  
\_\_\_\_\_

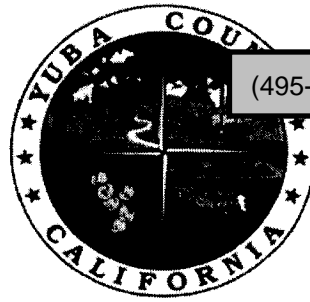
APPROVED AS TO FORM:

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

# The County of Yuba

Office of the Treasurer and Tax Collector

**DAN M. MIERZWA**  
Treasurer & Tax Collector



495-1116

Government Center

(495-1116) Recei... - 1 of 8

3  
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Telephone (530) 749-7840  
Fax (530) 749-7844

10/26/2016

To: Board of Supervisors

From: Dan M. Mierzwa, Treasurer & Tax Collector

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

RE: Statement of Investment Policy 2017

Honorable Members:

Attached, please find the County of Yuba Investment Pool Statement of Investment Policy for 2017. Although California state law no longer requires that the Investment Policy be approved by the Board of Supervisors, it is my position that the Board should be made aware of this Statement of Investment Policy on an annual basis.

Should you have any questions regarding this policy, please do not hesitate to contact me.

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# County of Yuba Investment Pool

## Statement of Investment Policy

(495-1116) Recei... - 3 of 8

As designated by Board of Supervisors under the laws of the State of California, it is the responsibility of the County Treasurer, to secure and protect the public funds of the County, and to establish proper safeguards, controls, and procedures to maintain these funds in a lawful, rational and auspicious manner. Said maintenance shall include the prudent and secure investment of those funds that are not immediately required for daily operations, in a manner anticipated to provide additional benefit to the people of the County of Yuba. In addition, the County Treasurer acts as the Treasurer, cash manager, and investor for a sizable number of public agencies within the County, rather than each entity having to locate and hire a knowledgeable person to handle the entity's banking, investments and other financial duties separately. This pooling of public funds not only eliminates duplication of expenses, but also smoothes out cash flow differences, permits cost savings through higher volume, and attracts more professional service providers. This document contains the policies, procedures, and legalities guiding the County Treasurer when investing the Pool's temporarily unemployed funds.

This Statement of Investment Policy is reviewed no less than annually and may be adjusted as needed to reflect any changes in the Government Code or investment practices. Upon request, this Policy will be provided to participants in the County Investment Pool; to securities dealers, banks and brokers currently approved for conducting investment transactions with the County Treasurer's office in the ongoing effort to manage the excess cash portfolio; to other involved persons or entities; and to any member of the electorate wishing to review this document. The Treasurer reserves the right to provide these documents on a cost basis.

### SCOPE

This Statement of Investment Policy pertains to those temporarily surplus funds under the control of the Treasurer, designated for the daily ongoing operations of the County-Pool participants; and concerns the deposit, maintenance, and safekeeping of all such funds, and the investments made with these funds. This Policy does not apply to pension moneys, delayed compensation funds, trustee, and certain other non-operating funds not participating in the County Investment Pool. Percentage limitations noted within this Policy shall apply to all money considered to be within the County Investment Pool. Any investments existing outside the Pool shall be subject to the local agency's individual percentages.

### PURPOSE OF POLICY STATEMENT

The purpose of this Statement of Investment Policy is to provide those entities participating in the County Investment Pool, those involved in servicing the investment requirements of the County, and any other interested party, a clear understanding of the regulations and internal guidelines that will be observed in maintaining and investing those pooled funds deemed to not be required to meet immediate cash flow requirements.

### TREASURY OBJECTIVES

The primary and overriding objective of the Treasurer is to protect the safety of the principal of the Investment Pool through the judicious purchase of those legal investments permitted to local agencies, as defined in the State of California Government Codes, consistent with current conditions and the other dominant objectives pursuant to managing a local agency portfolio, namely:

**Safety:** It is the primary responsibility of the Treasurer to maintain the safe return of all principal placed in investments by avoiding decisions that might result in losses through either fraud, default, or adverse market conditions. Import is also accorded the protection of accrued interest earned on any investment instrument.

**Liquidity:** It is imperative that a vast majority of all investments be in items that are immediately negotiable, as the portfolio is a cash management fund. It shall always be assumed that all investments could require immediate liquidation in order to meet unexpected cash calls.

**Availability:** Due to the nature of a public funds portfolio, it is mandatory that moneys be available to meet the monetary requirements inherent to operating a public entity. Thus funds need to be invested in such a manner that

money will always be available, without risk of trading loss, to pay normal cash requirements. The moneys invested by the Treasurer should never require the realization of immoderate losses and should not be subject to cash demand require the sale of investments prior to maturity. A sufficient portion of all funds shall be invested in securities providing a high degree of availability, that is, in securities easily sold or converted to cash in a timely manner, with little or no loss of interest earnings.

**Yield:** While it is considered desirable to obtain a yield commensurate to current conditions, yield shall not be the driving force in determining which investments are to be selected for purchase. Yield is definitely considered to be of much lesser importance than either safety, liquidity or availability.

The Treasurer places investments with the objective of obtaining a respectable rate of return, not attempting to maximize yield at the expense of either safety, liquidity, or availability, yet not totally ignoring those factors within the marketplace that may be indicative of either favorable or hazardous conditions. The portfolio will be managed very conservatively, but actively enough to avert avoidable losses due to adverse market conditions.

### **PRUDENCE**

The Treasurer is subject to the "Prudent Person Rule" whenever making a decision regarding the investment of the Pool's funds. This rule states, in principle:

*"In investing property for the benefit of others, a trustee shall exercise the judgment and care, under circumstances then prevailing, that persons of prudence, discretion and intelligence, would exercise in the management of their own affairs – not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable safety of, as well as the probable income from, their capital."*

The Treasurer, and those acting for the Treasurer, are considered to have a fiduciary, trustee, relationship with the public for the public funds, and all investment decisions will be made in a manner sustaining this responsibility.

### **DELEGATION OF AUTHORITY**

While the Treasurer has final responsibility for all investment decisions, other Treasury personnel may aid in the day to day operations. Those staff members, in addition to the Treasurer, currently authorized to act on behalf of the Pool, as of the date entered on this Policy, are listed below. This list is subject to change, and those parties newly involved in transactions with the Treasurer's department should always obtain a current Trading Authorization and Agreement form, and be verbally introduced by a known Treasury employee, prior to accepting unconfirmed verbal instructions from any previously unknown Treasury staff member.

### **TITLE**

Assistant Treasurer and Tax Collector

Other persons, both inside and outside County employment, may act in the role of assistant or advisor to aid in the timely and proper settlement of investment transactions. While these persons may provide information or aid in the expedient delivery of securities, they may not authorize, approve, or initiate any trading activities. Only the persons listed on a current *Trading Authorization & Agreement*, and the Treasurer, may initiate trading activity.

### **SECURITIES CUSTODY**

The Treasurer has established a third party custody and safekeeping account to which all negotiable instruments shall be delivered upon purchase on a payment versus delivery basis. No negotiable, deliverable, securities or investments will be left in the custody of any brokerage firm or issuing party, including any collateral from Repurchase Agreements.

### **AUTHORIZED INVESTMENTS AND LIMITATIONS**

The Government Codes of the State of California, primarily within sections 53600 et. seq., establish the legality of certain types of investment vehicles for a California local agency's portfolio. Thereby, under no circumstances is the Treasurer permitted to purchase an investment that is not specifically authorized for a local agency under these, or other code sections that may apply, or might later be enacted, pertaining to local agency

investments. Securities brokers dealing with the County Pool should possess a complete understanding of the sections. (495-1116) Recei... - 5 of 8

An attached Addendum briefly describes the types of securities legal within the Government Code sections noted above and outlines the various limitations included in these sections. Except for the restrictions noted below in this section, all legality permitted investment options described in the Government Code are authorized at this time. Funds placed in the State's Local Agency Investment Fund (LAIF) shall follow the limitations placed on these deposits by the State and may change in accordance with these restrictions.

Though these Government Code sections define the investment types and terms permissible to the Treasurer under this Policy, various temporary and more restrictive constraints may at times be deemed beneficial due to transient conditions within the marketplace. These flexible constraints are not part of this Policy but may be obtained by requesting a current "Temporary Constraints and Restrictions on Investments" document, which will change on an "as needed" basis. These constraints or restrictions may only be *more* restrictive than those of the Policy, but may *not* be *less* restrictive. Securities Brokers and Dealers should be aware of these temporary conditions in order to save time and best serve the County Pool.

Though the Government Code sections define the investment types and terms permissible to the Treasurer, the Treasurer currently will not:

- ◆ Invest in any security or investment with a stated or potential final maturity longer than five years, unless the conditions of the security include terms that permit the purchaser to *unconditionally* "put", or sell back, to the *original issuer*, the security prior to five years from the purchase date; or the Board of Supervisors has pre-approved, as required by the Government Codes.
- ◆ Invest in any security or investment wherein, by the terms of the investment, interest might not be earned during any period the security or investment exists.
- ◆ Purchase any security wherein under terms inherent to the security, or the investment agreement under which the security is purchased, circumstances could result wherein the investment runs a risk of earning a rate of return substantially below other investments obtainable on a fixed rate basis at the time of purchase, or drastically different than the prevailing rate during any time prior to the maturity of the issue.
- ◆ Purchase any Collateralized Mortgage Obligation or Collateralized Debt Obligation.
- ◆ Invest in futures or options.

### AUTHORIZED DEALER LIST

It is prohibited for a transaction to be entered into with any securities broker, dealer or bank investment department or subsidiary prior to that entity being designated an Authorized Dealer, and placed on the Authorized Dealer List. For a firm to become authorized it must first demonstrate that it will add value to the Treasurer's efforts to best manage the cash portfolio, as well as fulfill certain other minimum requirements. To qualify for Authorized Dealer status, a brokerage firm or bank must:

- 1) Be a dealer operation properly licensed to deal with local agencies in California, **and**;
- 2) Have a minimum of \$10mm in capital, or, be a Primary Dealer of the Federal Reserve Bank of New York; **and**;
- 3) Be headquartered in the State of California, or, the City of New York, or be the direct issuer of a security type normally purchased by the Treasurer;  
**Or;**  
Be a department or subsidiary of an insured bank with minimum assets of \$500mm that the County has comprehensive banking relationships with;

If meeting the above requirements, a salesperson may apply to become an Authorized Dealer by sending to the Treasurer their most recent annual and interim audited financial statements and a letter furnishing:

- 1) Their reasons for believing they would add value to the present coverage; **and**,
- 2) A general roster of those markets they participate in, and specifics on those types of securities they as a firm, regularly issue or regularly hold dealer trading positions in; [**or**, a list of those dealers they are able to represent, and the securities they regularly position;] **and**,
- 3) A list of ten references, at least five being California local agency treasurers, including telephone numbers that the Treasurer or his representative may contact.

The Treasurer will instigate an investigation of the applying salesperson and the firm through various sources, including but not limited to the California Department of Corporations, Financial Industry Regulatory Authority (FINRA), and the National Association of Securities Dealers (NASD), to determine market participation, knowledge, reputation, and financial stability. All salespeople and their supervisors will be expected to have a working knowledge of the appropriate sections of the State of California Government Code, sufficient experience in covering public entities, a willingness to well serve their customers, a complete and total understanding of this Investment Policy, and demonstrate an ongoing ability to work with the Treasurer. The Treasurer will review all new requests at the end of each quarter, and if the decision is made that additional dealers would be beneficial to best service the portfolio's needs, those dealers selected will be informed of their addition to the Authorized Dealer List. All dealers are subject to removal from the Authorized Dealer List at any time, solely at the discretion of the Treasurer.

The Treasurer, or Treasury staff, is prohibited from dealing with a salesman, broker, or account executive from any broker, dealer or bank investment department or bank subsidiary until the Acknowledgment form found on the last page of the Trading Authorization and Agreement is signed by all parties and received by the Treasurer. The Trading Authorization and Agreement is sent out to all approved dealers, and is an integral addition to this Policy Statement for Brokers/ Dealers, etc. doing investment business with the County Treasurer.

Similar restrictions and forms may be required of those firms doing business with the County Pool through retained financial advisors or managers. Certain selected firms may be chosen or appointed by the Treasurer to render specific services the Treasurer determines they are uniquely qualified to provide, wherein some of the requirements of this section may be waived.

Neither the Treasurer, nor any member of the Treasurer's staff, may accept any gift, honoraria, gratuity or service of value in violation of the regulations set forth by the Fair Political Practices Commission, the Government Code, additional limitations set forth by County ordinance, or internal requirements of the Treasurer. The Treasurer and all members of the Treasury staff are prohibited from conducting any business with any broker, dealer, or securities firm that has made a political contribution within any consecutive 48 month period beginning January 1, 1996, in an amount exceeding the limitation contained in Rule G 37 of the Municipal Securities Rulemaking Board, to the County Treasurer or any member of the Board of Supervisors, or any candidate for these offices.

### **THE COUNTY TREASURY OVERSIGHT COMMITTEE**

The County Board of Supervisors and the Treasurer do not currently have a Treasury Oversight Committee. This is in accordance with the State dropping the mandate for such a committee as well as the cost associated with establishing, conducting and maintain an oversight committee. By law, the Oversight Committee shall have no authority to require discussion, attempt to direct, or in any way interfere with the process or daily operation of any portion of the Treasury department, nor shall the Committee attempt to play any role in determining which banks, firms or individuals the Treasurer does business with, nor shall the Committee be involved at all in determining which investments the Treasurer purchases, but shall act solely to review the actions of the Treasurer to determine that they are in accordance and compliance with the Investment Policy and all other legal requirements or regulations.

### **TERMS FOR FUNDS INVESTED WITH THE COUNTY INVESTMENT POOL**

The Government Code requires the County Treasurer to define the limits and conditions under which local agencies having their money in the Investment Pool may deposit and withdraw their funds. The Government Codes confer upon the Treasurer the final authority as to how funds for which the Treasurer is responsible for overseeing, are to be invested. The Treasurer must take into consideration the current financial condition of the sum total of the Pool's agencies, the conditions of the market place, as well as the cash flow projections and the potential for changes in the Pool's cash needs. The Treasurer must protect the earnings of each individual local agency in the Pool, and also see that no decision will reward a particular agency or group of agencies within the Pool at the expense of another or others within the Pool. If the Treasurer determines that a request for a withdrawal of funds for a specific or outside investment is not, in the Treasurer's opinion, in the best interest of a particular agency, or is overly detrimental to the pool as a whole, the Treasurer must legally deny the request, or find a means of neutralizing the harm to all others affected.

Any funds deposited in accounts that are consolidated into the County Investment Pool that are not immediately required to meet cash flows of the Pool will be invested by the Treasurer or the Treasurer's staff. All Pool entities agree that by placing funds in such accounts that they agree to proportionately participate in all investments within the Investment Pool.

## **FUNDS OF AGENCIES REQUIRED TO INVEST WITHIN THE**

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Funds will be accepted at all times, in the manner prescribed, from those local agencies where the County Treasurer is also the Treasurer for the local agency, or from any agencies that by statute must place their money in the County Pool. Funds will earn interest based on the average daily balance, paid on a quarterly basis.

Should a legislative body of a local agency determine that certain funds will not be required by the local agency for a period of at least two years, the local agency may petition the County Treasurer to invest that portion of the local agency's excess funds in a specific investment under the control of the County Treasurer. Such a petition should state the nature of the funds the legislative body wishes to invest specifically, and the reasons why the legislative body believes a specific investment is a preferable and viable alternative to general Pool participation. Should the Treasurer determine that the request for a specific investment is valid and not counter-productive to the Pool as a whole, the Treasurer will determine exactly what investment(s) should be purchased to fulfill the needs of the local agency. The Treasurer will then purchase the specific investment(s) upon receipt of a written resolution, issued by the legislative body of the local agency, requesting the specific investment. The resolution must acknowledge that the local agency's legislative body takes full responsibility for the decision to purchase the specific investment(s), and that should conditions change requiring a sale prior to maturity of the specific investment(s), any loss that might be suffered as a result, will be solely that of the local agency, and that this loss shall not be shared by the Pool as a whole, nor by the County.

Under language added to the Government Code in 1995, it is not permissible for local agency legislative bodies, required to have their funds within the Pool, to withdraw funds from the Pool in order to invest outside the County Pool in any manner, at any time, without the specific permission of the Treasurer. Any such investments shall either be terminated and all funds returned to the Pool, or the securities so purchased shall be transferred to the custody of the County Treasurer immediately. Upon receipt of any such securities by the Treasurer, the Treasurer shall at the Treasurer's option, place the investment in the Pool, terminate the investment at the current market value and credit the local agency with the proceeds, or place the security in the name of the local agency as a specific investment.

## **MONEY VOLUNTARILY INVESTED WITH THE COUNTY INVESTMENT POOL**

By Code, the County Treasurer shall set conditions under which money from local agencies, not required to have their funds in the Investment Pool, may deposit and withdraw voluntarily invested funds.

Local agencies from outside the County will not be permitted to deposit funds in the County Pool. Funds from local agencies within the County, voluntarily wishing to participate in the Pool, shall be accepted under the terms existing in this Policy, along with any additional terms the Treasurer deems prudent, given the entity's particular situation. Voluntary money may be withdrawn under conditions set forth in Sections 27133 and 27136 of the Government Codes and as previously specified in any agreements made with the Treasurer. Specific investments are not normally permitted with voluntary funds, though on a cost recovery basis and under circumstances that dictate such activity, exceptions may be permitted.

## **APPORTIONING OF COSTS AND INTEREST**

All costs related to investing, maintaining and accounting for the investments purchased for the Investment Pool, as authorized by Section 27013, shall be apportioned equally on the average daily balance method quarterly to all participants with funds in the Investment Pool, including those held in specific investments. Interest earning shall be apportioned on the same basis and also distributed quarterly.

## **REPORTING**

The Treasurer generally makes adjustments to the County Pool Investment Policy near the beginning of the calendar year and makes the revised document available to those requesting it. Other reports on the holdings, status and earnings of the portfolio may also be available during the year.

# Addendum

## Legal Pool Investments\*

<u>Investment Type</u>	<u>Max. % of Portfolio</u>	<u>Max. Maturity</u>	<u>Quality Requirements</u>
a) Bonds issued by a local agency	None	None	None
b) Treasury obligations	None	None	None
c) State of California Obligations	None	None	None
d) State & local Obligations from the other 49 states	None	None	None
e) Obligation of Calif. local agency	None	None	None
f) Obligations issued by Federal Agencies and U.S. Government Sponsored Enterprises	None	None	None
g) Bankers Acceptances	40%	180 days max.	None
h) Commercial Paper	40%	270 days max.	U.S. entity with credit enhancements resulting in paper rating A1/P1 or better; with \$500MM in assets; A or higher long term rating if any; max. 10% of portfolio per issuer.
i) Negotiable C.D.s	30%	5 years	None
j) Repurchase Agreements	None	1 year	Collateral must be a legal investment of 102%
Reverse Repurchase Agreements	20% of base	92 days max., or to maturity	None
k) Medium Term Note	30%	5 years	U.S. Corporations, or Banks licensed within any State of the U.S., "A" or better rating by major rating service.
l) Mutual Funds	20%, 10% per fund	NA	A defined money market fund; or invest only in a-j, m, n, of this list, as restricted; Highest letter and number ranking of 2 of 3 rating services; or a SEC Registered Advisor with 5 Yrs. experience, managing assets of \$500MM or more; No load. Not contrary to 53601 & 35 and other pertinent law.
m) Investments as permitted by provision in agreements of indebtedness	As per bond documentation	NA	As required by 53652
n) Asset secured indebtedness	None	None	Issuer must be rated "A" minimum, security must be "AA" by national rating service.
o) Collateralized Mortgage obligations	20%	5 years	None
p) Joint Powers authority	None	None	None
q) Contracted Non-Neg. Time Deposits	None	None	None
635.8) Deposited Pooled small C.D.s	30%	None	Insured as to principle and interest

*These tables are not meant to be a replacement for the Government Code. Involved parties should obtain a valid, updated copy of the pertinent Code sections to fully understand all the details included within these Codes.*

October 24, 2016

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

Dear Donna,

Each year, pursuant to the Williams Uniform Complaints Act, Education Code §1240, the County Superintendent of Schools must submit a report to the Board of Supervisors describing the state of the schools in said county. Enclosed you will find a copy of the Williams Report for distribution to the Board of Supervisors at the November 15, 2016 Board Meeting.

Should you require additional information, please do not hesitate to contact me 749-4854 or [anore@yubacoe.12.ca.us](mailto:anore@yubacoe.12.ca.us). Thank you for your attention in this matter.

Sincerely,



Amy Nore  
Executive Assistant to the Superintendent

October 13, 2016

Gay Todd, Superintendent, Marysville Joint Unified School District  
Kari Ylst, Principal, Yuba Gardens Intermediate School

RE: Williams Visit ~ Yuba Gardens Intermediate School

Dear Dr. Todd and Ms. Ylst:

California Education Code Section 1240 requires that the Superintendent of Schools, or his or her designee, visit schools identified in Yuba County and report the results of the visit. This report concerns the visit to Yuba Gardens Intermediate School. The visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student at Yuba Gardens Intermediate School.

The purpose of the visit as specified in California Education Code 1240 was:

1. To ensure that students have access to “sufficient” instructional materials in four core subjects of English/language arts, mathematics, history/social science, and science;
2. To assess compliance with facilities maintenance to determine the condition of a facility that “poses an emergency or urgent threat to the health or safety of pupils or staff”; and
3. To determine if the school has provided accurate data for the annual School Accountability Report Card (SARC) related to instructional materials and facilities maintenance.

The law further requires that the Superintendent of Schools, or his/her designee, annually monitor and review:

1. Teacher assignments in Decile 1-3 schools;
2. Receive quarterly reports on complaints filed with the school district concerning insufficient instructional materials, teacher vacancies and misassignment and emergency or urgent facilities issues under the Uniform Complaint Procedure; and
3. Expanded audit review authority in the areas of use of Instructional Materials Program Funds, teacher misassignment and information reported on the School Accountability Report Card.

Before proceeding with the report, let me define some basic terms:

- “Sufficient instructional materials” means every pupil, including English language learners, has a textbook in the four core areas to use in class and to take home.
- “Facilities standards” means that each school district that receives state funding for facilities is required to establish a facilities inspection program and to ensure that each of the schools is maintained in good repair.
- “Good repair” is defined as maintaining schools that are clean, safe, and functional.

During the visit to Yuba Gardens Intermediate School, the findings related to the areas of instructional materials, facilities, School Accountability Report Card, teacher misassignment, audit findings, and uniform complaint notices are summarized below:

**School Facilities:**

The facility inspection for health and safety and for the verification of the district's facility evaluation was completed on September 9, 2016. The school's 2016 State Facility Inspection Tool (FIT) is attached. The facility inspection was limited to the fifteen areas identified in the Facility Inspection Tool which was developed by the Office of Public School Construction. Where there is a discrepancy between the FIT and the personal evaluation during the Williams review, the items were brought to the attention of the school administration.

**Instructional Materials:**

The Williams Verification Visit to Yuba Gardens Intermediate School occurred on September 2, 2016 and was an announced visit. Twenty-five percent of the classrooms were visited as required under the Williams' statutes. Classroom visits and review of the Instructional Materials Inventory revealed that there were sufficient numbers of English/language arts, math, history/social science, and science textbooks provided to the students at Yuba Gardens Intermediate School.

**School Accountability Report Card:**

Yuba County Office of Education is required to review the accuracy of the data reported on the most recent school accountability report cards of Decile 1-3 schools with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities, including "good repair." To that end, the 2014-2015 School Accountability Report Card published during the 2015-2016 school year was reviewed.

**Teacher Misassignment:**

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3<sup>rd</sup> quarter report.

**Audit Review:**

There were no audit findings for this site.

**Uniform Complaint:**

A Uniform Complaint form was posted in every classroom visited by the Williams team. No uniform complaints were reported during the fourth quarter of the 2015-2016 school year (April 1<sup>st</sup> - June 30<sup>th</sup>).

The Yuba County Office of Education is available should you have any questions or concerns regarding Williams reporting.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Francisco Reveles".

Francisco Reveles, Ed.D., Superintendent  
Yuba County Office of Education

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION <b>Marysville Joint Unified School District</b>		COUNTY <b>Yuba County</b>	
SCHOOL SITE <b>Yuba Gardens Intermediate School, 1964 11th Ave Olivehurst, California 95961</b>		SCHOOL TYPE (GRADE LEVELS) <b>7th - 8th</b>	NUMBER OF CLASSROOMS ON SITE <b>35</b>
INSPECTOR'S NAME <b>John Mejia</b>	INSPECTOR'S TITLE <b>YCOE Maintenance Supervisor</b>	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE) <b>NA</b>	
TIME OF INSPECTION <b>12:45 PM</b>	WEATHER CONDITION AT TIME OF INSPECTION <b>Sunny &amp; Clear</b>		

**PART III: CATEGORY TOTALS AND RANKING** (round all calculations to two decimal places)

TOTAL NUMBER OF AREAS EVALUATED  ↓	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
<b>6</b>	Number of "✓'s":	<b>6</b>	<b>5</b>	<b>0</b>	<b>4</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>4</b>	<b>5</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>1</b>	<b>5</b>
	Number of "D's":	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>
	Number of "X's":	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	Number of N/As:	<b>0</b>	<b>1</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>0</b>
Percent of System in Good Repair Number of "✓'s" divided by (Total Areas - "NA's")*		<b>100.00%</b>	<b>100.00%</b>		<b>80.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>		<b>100.00%</b>	<b>83.33%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>33.33%</b>	<b>83.33%</b>
Total Percent per Category (average of above)*		<b>100.00%</b>			<b>80.00%</b>	<b>100.00%</b>		<b>100.00%</b>	<b>100.00%</b>		<b>91.67%</b>		<b>100.00%</b>		<b>58.33%</b>	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		<b>GOOD</b>			<b>FAIR</b>	<b>GOOD</b>		<b>GOOD</b>	<b>GOOD</b>		<b>GOOD</b>		<b>GOOD</b>		<b>POOR</b>	

\*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:	DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE	→	<b>91.25%</b>	SCHOOL RATING**	→	<b>GOOD</b>
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\*\*For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

PERCENTAGE	DESCRIPTION	RATING
99%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
90%-98.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75%-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

COMMENTS AND RATING EXPLANATION: **Older school being kept relatively clean. The playground area is in need of attention, the fencing needs repairing, bushes trimmed and volleyball poles moved away from the PG&E transformer.**

**PART II: EVALUATION DETAIL**

Date of Inspection: **09/09/16**

School Name: Yuba Gardens Intermediate School

CATEGORY AREA	1 GAS LEAKS	2 MECH/HVAC	3 SEWER	4 INTERIOR SURFACES	5 OVERALL CLEANLINESS	6 PEST/VERMIN INFESTATION	7 ELECTRICAL	8 RESTROOM	9 SINKS/ FOUNTAINS	10 FIRE SAFETY	11 HAZARDOUS MATERIALS	12 STRUCTURAL DAMAGE	13 ROOFS	14 PLAYGROUND/ SCHOOL GROUNDS	15 WINDOWS/ DOORS/ GATES/FENCES
<b>Storage Building</b>	✓	✓	NA	✓	✓	✓	✓	NA	NA	D	✓	✓	✓	NA	✓
COMMENTS:	No fire extinguisher.														
<b>Room 9</b>	✓	✓	NA	✓	✓	✓	✓	NA	✓	✓	NA	✓	✓	NA	✓
COMMENTS:	Clean and organized.														
<b>Room 7</b>	✓	✓	NA	✓	✓	✓	✓	NA	✓	✓	NA	✓	✓	NA	✓
COMMENTS:	Clean and organized.														
<b>P-27</b>	✓	✓	NA	D	✓	✓	✓	NA	✓	✓	NA	✓	✓	D	✓
COMMENTS:	Clean interior but the grounds area is unkempt.														
<b>Playground</b>	✓	NA	NA	NA	✓	✓	✓	NA	NA	✓	NA	NA	NA	D	D
COMMENTS:	Fence ties are missing all along the west side of the black fencing-safety issue. Bushes are growing through the fence. Volleyball poles are blocking PG&E transformer-safety issue.														
<b>P-217</b>	✓	✓	NA	✓	✓	✓	✓	NA	✓	✓	NA	✓	✓	✓	✓
COMMENTS:	Clean and organized.														
COMMENTS:															
COMMENTS:															
COMMENTS:															
COMMENTS:															

Marks: ✓ = Good Repair (When filling up the electronic version, please use **ctrl+G**); D = Deficiency; X = Extreme Deficiency; NA = Not Applicable  
 Use additional sheets as necessary.

October 13, 2016

Gay Todd, Superintendent, Marysville Joint Unified School District  
Jill Segner, Principal, Cedar Lane Elementary School

RE: Williams Visit - Cedar Lane Elementary School

Dear Dr. Todd and Ms. Segner:

California Education Code Section 1240 requires that the Superintendent of Schools, or his or her designee, visit schools identified in Yuba County and report the results of the visit. This report concerns the visit to Cedar Lane Elementary School. The visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student at Cedar Lane Elementary School.

The purpose of the visit as specified in California Education Code 1240 was:

1. To ensure that students have access to “sufficient” instructional materials in four core subjects of English/language arts, mathematics, history/social science, and science;
2. To assess compliance with facilities maintenance to determine the condition of a facility that “poses an emergency or urgent threat to the health or safety of pupils or staff”; and
3. To determine if the school has provided accurate data for the annual School Accountability Report Card (SARC) related to instructional materials and facilities maintenance.

The law further requires that the Superintendent of Schools, or his/her designee, annually monitor and review:

1. Teacher assignments in Decile 1-3 schools;
2. Receive quarterly reports on complaints filed with the school district concerning insufficient instructional materials, teacher vacancies and misassignment and emergency or urgent facilities issues under the Uniform Complaint Procedure; and
3. Expanded audit review authority in the areas of use of Instructional Materials Program Funds, teacher misassignment and information reported on the School Accountability Report Card.

Before proceeding with the report, let me define some basic terms:

- “Sufficient instructional materials” means every pupil, including English language learners, has a textbook in the four core areas to use in class and to take home.
- “Facilities standards” means that each school district that receives state funding for facilities is required to establish a facilities inspection program and to ensure that each of the schools is maintained in good repair.
- “Good repair” is defined as maintaining schools that are clean, safe, and functional.

During the visit to Cedar Lane Elementary School, the findings related to the areas of instructional materials, facilities, School Accountability Report Card, teacher misassignment, audit findings, and uniform complaint notices are summarized below:

**School Facilities:**

The facility inspection for health and safety and for the verification of the district's facility evaluation was completed on September 8, 2016. The school's 2016 State Facility Inspection Tool (FIT) is attached. The facility inspection was limited to the fifteen areas identified in the Facility Inspection Tool which was developed by the Office of Public School Construction. Where there is a discrepancy between the FIT and the personal evaluation during the Williams review, the items were brought to the attention of the school administration.

**Instructional Materials:**

The Williams Verification Visit to Cedar Lane Elementary School occurred on September 6, 2016 and was an announced visit. Twenty-five percent of the classrooms were visited as required under the Williams' statutes. Classroom visits and review of the Instructional Materials Inventory revealed that there were sufficient numbers of English/language arts, math, history/social science, and science textbooks provided to the students at Cedar Lane Elementary School.

**School Accountability Report Card:**

Yuba County Office of Education is required to review the accuracy of the data reported on the most recent school accountability report cards of Decile 1-3 schools with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities, including "good repair." To that end, the 2014-2015 School Accountability Report Card published during the 2015-2016 school year was reviewed.

**Teacher Misassignment:**

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3<sup>rd</sup> quarter report.

**Audit Review:**

There were no audit findings for this site.

**Uniform Complaint:**

A Uniform Complaint form was posted in every classroom visited by the Williams team. No uniform complaints were reported during the fourth quarter of the 2015-2016 school year (April 1<sup>st</sup> - June 30<sup>th</sup>).

The Yuba County Office of Education is available should you have any questions or concerns regarding Williams reporting.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'F. Reveles', is written above the typed name.

Francisco Reveles, Ed.D., Superintendent  
Yuba County Office of Education

**PART II: EVALUATION DETAIL** Date of Inspection: **09/08/16** School Name: Cedar Lane Elementary School

CATEGORY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
AREA	GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOM	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/ DOORS/ GATES/FENCES
<b>Main Building</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NA	✓	✓	NA	✓
	COMMENTS:	<b>Good Condition</b>													
<b>Preschool Portables</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NA	✓	✓	✓	✓
	COMMENTS:	<b>Very organized. Playground is great, very nice.</b>													
<b>Library Building</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NA	✓	✓	NA	✓
	COMMENTS:	<b>Great Condition</b>													
<b>Cafeteria &amp; Kitchen</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS:	<b>Very clean, Kitchen is very clean and organized.</b>													
<b>D-103</b>	✓	✓	NA	✓	✓	✓	✓	✓	✓	✓	NA	✓	✓	NA	✓
	COMMENTS:	<b>Well organized classroom, very clean.</b>													
<b>Main Office</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NA	✓	✓	NA	✓
	COMMENTS:	<b>Excellent condition.</b>													
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														

Marks: ✓ = Good Repair (When filling up the electronic version, please use **ctrl+G** ); D = Deficiency; X = Extreme Deficiency; NA = Not Applicable  
 Use additional sheets as necessary.

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION <b>Marysville Joint Unified School District</b>		COUNTY <b>Yuba County</b>	
SCHOOL SITE <b>Cedar Lane Elementary School, 841 Cedar Lane. Marysville, California 95901</b>		SCHOOL TYPE (GRADE LEVELS) <b>Kinder to 6th</b>	NUMBER OF CLASSROOMS ON SITE <b>26</b>
INSPECTOR'S NAME <b>John Mejia</b>	INSPECTOR'S TITLE <b>YCOE Maintenance Supervisor</b>	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)	
TIME OF INSPECTION <b>10:30 AM</b>	WEATHER CONDITION AT TIME OF INSPECTION <b>Warm and Clear</b>		

**PART III: CATEGORY TOTALS AND RANKING** (round all calculations to two decimal places)

TOTAL NUMBER OF AREAS EVALUATED  ↓	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
	Number of "✓'s":	6	6	5	6	6	6	6	6	6	6	1	6	6	2	6
	Number of "D's":	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>6</b>	Number of "X's":	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Number of N/As:	0	0	1	0	0	0	0	0	0	0	5	0	0	4	0
Percent of System in Good Repair Number of "✓'s" divided by (Total Areas - "NA's")		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Total Percent per Category (average of above)*		100.00%			100.00%	100.00%		100.00%	100.00%		100.00%		100.00%		100.00%	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		GOOD			GOOD	GOOD		GOOD	GOOD		GOOD		GOOD		GOOD	

\*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:

DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE	→	100.00%	SCHOOL RATING**	→	EXEMPLARY
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\*\*For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

PERCENTAGE	DESCRIPTION	RATING
99%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
90%-98.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75%-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

COMMENTS AND RATING EXPLANATION: Very clean and well organized school.

October 13, 2016

Gay Todd, Superintendent, Marysville Joint Unified School District  
Nou Vang, Principal, Johnson Park Elementary School

RE: Williams Visit ~ Johnson Park Elementary School

Dear Dr. Todd and Ms. Vang:

California Education Code Section 1240 requires that the Superintendent of Schools, or his or her designee, visit schools identified in Yuba County and report the results of the visit. This report concerns the visit to Johnson Park Elementary School. The visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student at Johnson Park Elementary School.

The purpose of the visit as specified in California Education Code 1240 was:

1. To ensure that students have access to “sufficient” instructional materials in four core subjects of English/language arts, mathematics, history/social science, and science;
2. To assess compliance with facilities maintenance to determine the condition of a facility that “poses an emergency or urgent threat to the health or safety of pupils or staff”; and
3. To determine if the school has provided accurate data for the annual School Accountability Report Card (SARC) related to instructional materials and facilities maintenance.

The law further requires that the Superintendent of Schools, or his/her designee, annually monitor and review:

1. Teacher assignments in Decile 1-3 schools;
2. Receive quarterly reports on complaints filed with the school district concerning insufficient instructional materials, teacher vacancies and misassignment and emergency or urgent facilities issues under the Uniform Complaint Procedure; and
3. Expanded audit review authority in the areas of use of Instructional Materials Program Funds, teacher misassignment and information reported on the School Accountability Report Card.

Before proceeding with the report, let me define some basic terms:

- “Sufficient instructional materials” means every pupil, including English language learners, has a textbook in the four core areas to use in class and to take home.
- “Facilities standards” means that each school district that receives state funding for facilities is required to establish a facilities inspection program and to ensure that each of the schools is maintained in good repair.
- “Good repair” is defined as maintaining schools that are clean, safe, and functional.

During the visit to Johnson Park Elementary School, the findings related to the areas of instructional materials, facilities, School Accountability Report Card, teacher misassignment, audit findings, and uniform complaint notices are summarized below:

**School Facilities:**

The facility inspection for health and safety and for the verification of the district's facility evaluation was completed on September 8, 2016. The school's 2016 State Facility Inspection Tool (FIT) is attached. The facility inspection was limited to the fifteen areas identified in the Facility Inspection Tool which was developed by the Office of Public School Construction. Where there is a discrepancy between the FIT and the personal evaluation during the Williams review, the items were brought to the attention of the school administration.

**Instructional Materials:**

The Williams Verification Visit to Johnson Park Elementary School occurred on September 9, 2016 and was an unannounced visit. Twenty-five percent of the classrooms were visited as required under the Williams' statutes. Classroom visits and review of the Instructional Materials Inventory revealed that there were sufficient numbers of English/language arts, math, history/social science, and science textbooks provided to the students at Johnson Park Elementary School.

**School Accountability Report Card:**

Yuba County Office of Education is required to review the accuracy of the data reported on the most recent school accountability report cards of Decile 1-3 schools with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities, including "good repair." To that end, the 2014-2015 School Accountability Report Card published during the 2015-2016 school year was reviewed.

**Teacher Misassignment:**

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3<sup>rd</sup> quarter report.

**Audit Review:**

There were no audit findings for this site.

**Uniform Complaint:**

A Uniform Complaint form was posted in every classroom visited by the Williams team. No uniform complaints were reported during the fourth quarter of the 2015-2016 school year (April 1<sup>st</sup> - June 30<sup>th</sup>).

The Yuba County Office of Education is available should you have any questions or concerns regarding Williams reporting.

Very truly yours,



Francisco Reveles, Ed.D., Superintendent  
Yuba County Office of Education

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION <b>Marysville Joint Unified School District</b>		COUNTY <b>Yuba County</b>	
SCHOOL SITE <b>Johnson Park Elementary School, 4364 Lever Ave, Marysville, California 95901</b>		SCHOOL TYPE (GRADE LEVELS) <b>Kinder to 6th</b>	NUMBER OF CLASSROOMS ON SITE <b>28</b>
INSPECTOR'S NAME <b>John Mejia</b>	INSPECTOR'S TITLE <b>YCOE Maintenance Supervisor</b>	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)	
TIME OF INSPECTION <b>2:00 PM</b>	WEATHER CONDITION AT TIME OF INSPECTION <b>Sunny &amp; Clear</b>		

**PART III: CATEGORY TOTALS AND RANKING** (round all calculations to two decimal places)

TOTAL NUMBER OF AREAS EVALUATED  ↓	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
	Number of "✓'s":	8	8	5	6	6	8	7	4	8	6	2	7	7	2	6
	Number of "D's":	0	0	0	1	2	0	1	0	0	1	0	0	0	1	2
<b>8</b>	Number of "X's":	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Number of N/As:	0	0	3	1	0	0	0	4	0	1	6	1	1	5	0
Percent of System in Good Repair Number of "✓'s divided by (Total Areas - "NA's")*		100.00%	100.00%	100.00%	85.71%	75.00%	100.00%	87.50%	100.00%	100.00%	85.71%	100.00%	100.00%	100.00%	66.67%	75.00%
Total Percent per Category (average of above)*		100.00%			85.71%	87.50%		87.50%	100.00%		92.86%		100.00%		70.84%	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		GOOD			FAIR	FAIR		FAIR	GOOD		GOOD		GOOD		POOR	

\*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:

DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE	→	<b>90.55%</b>	SCHOOL RATING**	→	<b>GOOD</b>
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\*\*For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

PERCENTAGE	DESCRIPTION	RATING
99%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
90%-98.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75%-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

COMMENTS AND RATING EXPLANATION: This is a nice school where most areas are in good repair but a few items noticed last year have still not been taken care of. The ceiling tile is still missing in the main office and the Mechanical Room is still very messy.

**PART II: EVALUATION DETAIL**

Date of Inspection: 09/08/16

School Name: Johnson Park Elementary School

CATEGORY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
AREA	GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOM	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/S CHOO/ GROUNDS	WINDOWS/ DOORS/ GATES/FENCES
<b>Main Building Office</b>	✓	✓	✓	D	D	✓	✓	✓	✓	✓	NA	✓	✓	NA	✓
	COMMENTS:	Ceiling tiles still need to be attached. Mechanical room is still very messy.													
<b>Portables</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	D
	COMMENTS:	Broken window on east wall is boarded up, needs to be replaced.													
<b>Kitchen/Multi</b>	✓	✓	✓	✓	✓	✓	✓	NA	✓	✓	NA	✓	✓	NA	✓
	COMMENTS:	Kitchen very clean.													
<b>New classroom #10</b>	✓	✓	NA	✓	✓	✓	✓	NA	✓	✓	NA	✓	✓	NA	✓
	COMMENTS:	Very clean and organized.													
<b>Staff Lounge</b>	✓	✓	NA	✓	✓	✓	✓	NA	✓	D	NA	✓	✓	NA	✓
	COMMENTS:	Very clean. No fire extinguisher.													
<b>Kinder Area</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	D
	COMMENTS:	Gate is hanging, does not latch correctly.													
<b>Track &amp; Playground</b>	✓	✓	NA	NA	D	✓	✓	NA	✓	NA	NA	NA	NA	D	✓
	COMMENTS:	Field & Track grounds are in poor shape, unkempt.													
<b>Main Building</b>	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	NA	✓	✓	NA	✓
	COMMENTS:	West End boys restroom light does not work and is missing the cover.													
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														

Marks: ✓ = Good Repair (When filling up the electronic version, please use **ctrl+G** ); D = Deficiency; X = Extreme Deficiency; NA = Not Applicable  
 Use additional sheets as necessary.

October 13, 2016

Gay Todd, Superintendent, Marysville Joint Unified School District  
Judy Hart, Principal, Linda Elementary School

RE: Williams Visit ~ Linda Elementary School

Dear Dr. Todd and Ms. Hart:

California Education Code Section 1240 requires that the Superintendent of Schools, or his or her designee, visit schools identified in Yuba County and report the results of the visit. This report concerns the visit to Linda Elementary School. The visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student at Linda Elementary School.

The purpose of the visit as specified in California Education Code 1240 was:

1. To ensure that students have access to “sufficient” instructional materials in four core subjects of English/language arts, mathematics, history/social science, and science;
2. To assess compliance with facilities maintenance to determine the condition of a facility that “poses an emergency or urgent threat to the health or safety of pupils or staff”; and
3. To determine if the school has provided accurate data for the annual School Accountability Report Card (SARC) related to instructional materials and facilities maintenance.

The law further requires that the Superintendent of Schools, or his/her designee, annually monitor and review:

1. Teacher assignments in Decile 1-3 schools;
2. Receive quarterly reports on complaints filed with the school district concerning insufficient instructional materials, teacher vacancies and misassignment and emergency or urgent facilities issues under the Uniform Complaint Procedure; and
3. Expanded audit review authority in the areas of use of Instructional Materials Program Funds, teacher misassignment and information reported on the School Accountability Report Card.

Before proceeding with the report, let me define some basic terms:

- “Sufficient instructional materials” means every pupil, including English language learners, has a textbook in the four core areas to use in class and to take home.
- “Facilities standards” means that each school district that receives state funding for facilities is required to establish a facilities inspection program and to ensure that each of the schools is maintained in good repair.
- “Good repair” is defined as maintaining schools that are clean, safe, and functional.

During the visit to Linda Elementary School, the findings related to the areas of instructional materials, facilities, School Accountability Report Card, teacher misassignment, audit findings, and uniform complaint notices are summarized below:

**School Facilities:**

The facility inspection for health and safety and for the verification of the district's facility evaluation was completed on September 8, 2016. The school's 2016 State Facility Inspection Tool (FIT) is attached. The facility inspection was limited to the fifteen areas identified in the Facility Inspection Tool which was developed by the Office of Public School Construction. Where there is a discrepancy between the FIT and the personal evaluation during the Williams review, the items were brought to the attention of the school administration.

**Instructional Materials:**

The Williams Verification Visit to Linda Elementary School occurred on September 7, 2016 and was an announced visit. Twenty-five percent of the classrooms were visited as required under the Williams' statutes. Classroom visits and review of the Instructional Materials Inventory revealed that there were sufficient numbers of English/language arts, math, history/social science, and science textbooks provided to the students at Linda Elementary School.

**School Accountability Report Card:**

Yuba County Office of Education is required to review the accuracy of the data reported on the most recent school accountability report cards of Decile 1-3 schools with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities, including "good repair." To that end, the 2014-2015 School Accountability Report Card published during the 2015-2016 school year was reviewed.

**Teacher Misassignment:**

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3<sup>rd</sup> quarter report.

**Audit Review:**

There were no audit findings for this site.

**Uniform Complaint:**

A Uniform Complaint form was posted in every classroom visited by the Williams team. No uniform complaints were reported during the fourth quarter of the 2015-2016 school year (April 1<sup>st</sup> - June 30<sup>th</sup>).

The Yuba County Office of Education is available should you have any questions or concerns regarding Williams reporting.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Francisco Reveles", is written over a horizontal line.

Francisco Reveles, Ed.D., Superintendent  
Yuba County Office of Education

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION <b>Marysville Joint Unified School District</b>		COUNTY <b>Yuba County</b>	
SCHOOL SITE <b>Linda Elementary School, 6180 Dunning Ave, Marysville, California 95901</b>		SCHOOL TYPE (GRADE LEVELS) <b>Kinder to 6th</b>	NUMBER OF CLASSROOMS ON SITE <b>40</b>
INSPECTOR'S NAME <b>John Mejia</b>	INSPECTOR'S TITLE <b>YCOE Maintenance Supervisor</b>	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)	
TIME OF INSPECTION <b>12:30 PM</b>	WEATHER CONDITION AT TIME OF INSPECTION <b>Sunny &amp; Clear</b>		

**PART III: CATEGORY TOTALS AND RANKING** (round all calculations to two decimal places)

TOTAL NUMBER OF AREAS EVALUATED	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
8	Number of "✓'s:	8	7	6	5	8	8	8	6	5	6	2	7	5	4	7
	Number of "D's:	0	0	0	1	0	0	0	0	1	0	0	0	2	2	0
	Number of "X's:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Number of N/As:	0	1	2	2	0	0	0	2	2	2	6	1	1	2	1
Percent of System in Good Repair Number of "✓'s divided by (Total Areas - "NA"s)"		100.00%	100.00%	100.00%	83.33%	100.00%	100.00%	100.00%	100.00%	83.33%	100.00%	100.00%	100.00%	71.43%	66.67%	100.00%
Total Percent per Category (average of above)*		100.00%			83.33%	100.00%		100.00%	91.67%		100.00%		85.72%		83.34%	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		GOOD			FAIR	GOOD		GOOD	GOOD		GOOD		FAIR		FAIR	

\*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:

DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE	→	93.01%	SCHOOL RATING**	→	GOOD
--	---	--------	-----------------	---	------

\*\*For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

PERCENTAGE	DESCRIPTION	RATING
99%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
90%-98.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75%-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

COMMENTS AND RATING EXPLANATION:

Gutters need attention. Soccer & Baseball fields need attention. Safety Hazard-potholes and exposed trenches. Curbing around

track is broken and needs repair.

PART II: EVALUATION DETAIL Date of Inspection: **09/08/16** School Name: **Linda Elementary School**

CATEGORY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
AREA	GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOM	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/ DOORS/ GATES/FENCES
<b>Library</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NA	✓	✓	✓	✓
	COMMENTS:	<b>Great Condition</b>													
<b>Main Building Office</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS:	<b>Great Condition</b>													
<b>North West Portables</b>	✓	✓	✓	✓	✓	✓	✓	✓	NA	✓	NA	✓	D	D	✓
	COMMENTS:	<b>Gutters have debris buildup. Grounds are overgrown, North West Lot.</b>													
<b>North East Custodial</b>	✓	✓	✓	D	✓	✓	✓	NA	D	✓	✓	✓	✓	NA	✓
	COMMENTS:	<b>Interior wall around sink is completely rotted, needs repair. Faucet is leaking at sink.</b>													
<b>Quad Area</b>	✓	✓	✓	NA	✓	✓	✓	✓	✓	NA	NA	✓	✓	✓	✓
	COMMENTS:	<b>Light cover falling off outside of Room 110.</b>													
<b>Room 109</b>	✓	✓	NA	✓	✓	✓	✓	NA	✓	✓	NA	✓	D	NA	✓
	COMMENTS:	<b>Gutters have debris buildup. Grounds are overgrown, North West Lot.</b>													
<b>Track &amp; Grounds</b>	✓	NA	NA	NA	✓	✓	✓	✓	NA	NA	NA	NA	NA	D	NA
	COMMENTS:	<b>Pot holes &amp; irrigation trenches need repair-hazard. NE irrigation cover missing. NW restrooms/drinking fountain plugged.</b>													
<b>Staff Breakroom</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NA	✓	✓	✓	✓
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														

Marks: ✓ = Good Repair (When filling up the electronic version, please use **ctrl+G** ); D = Deficiency; X = Extreme Deficiency; NA = Not Applicable  
 Use additional sheets as necessary.

October 13, 2016

Gay Todd, Superintendent, Marysville Joint Unified School District  
Duane Triplett, Principal, Yuba Feather Elementary School

RE: Williams Visit ~ Yuba Feather Elementary School

Dear Dr. Todd and Mr. Triplett:

California Education Code Section 1240 requires that the Superintendent of Schools, or his or her designee, visit schools identified in Yuba County and report the results of the visit. This report concerns the visit to Yuba Feather Elementary School. The visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student at Yuba Feather Elementary School.

The purpose of the visit as specified in California Education Code 1240 was:

1. To ensure that students have access to “sufficient” instructional materials in four core subjects of English/language arts, mathematics, history/social science, and science;
2. To assess compliance with facilities maintenance to determine the condition of a facility that “poses an emergency or urgent threat to the health or safety of pupils or staff”; and
3. To determine if the school has provided accurate data for the annual School Accountability Report Card (SARC) related to instructional materials and facilities maintenance.

The law further requires that the Superintendent of Schools, or his/her designee, annually monitor and review:

1. Teacher assignments in Decile 1-3 schools;
2. Receive quarterly reports on complaints filed with the school district concerning insufficient instructional materials, teacher vacancies and misassignment and emergency or urgent facilities issues under the Uniform Complaint Procedure; and
3. Expanded audit review authority in the areas of use of Instructional Materials Program Funds, teacher misassignment and information reported on the School Accountability Report Card.

Before proceeding with the report, let me define some basic terms:

- “Sufficient instructional materials” means every pupil, including English language learners, has a textbook in the four core areas to use in class and to take home.
- “Facilities standards” means that each school district that receives state funding for facilities is required to establish a facilities inspection program and to ensure that each of the schools is maintained in good repair.
- “Good repair” is defined as maintaining schools that are clean, safe, and functional.

During the visit to Yuba Feather Elementary School, the findings related to the areas of instructional materials, facilities, School Accountability Report Card, teacher misassignment, audit findings, and uniform complaint notices are summarized below:

**School Facilities:**

The facility inspection for health and safety and for the verification of the district's facility evaluation was completed on September 9, 2016. The school's 2016 State Facility Inspection Tool (FIT) is attached. The facility inspection was limited to the fifteen areas identified in the Facility Inspection Tool which was developed by the Office of Public School Construction. Where there is a discrepancy between the FIT and the personal evaluation during the Williams review, the items were brought to the attention of the school administration.

**Instructional Materials:**

The Williams Verification Visit to Yuba Feather Elementary School occurred on September 6, 2016 and was an unannounced visit. Twenty-five percent of the classrooms were visited as required under the Williams' statutes. Classroom visits and review of the Instructional Materials Inventory revealed that there were sufficient numbers of English/language arts, math, history/social science, and science textbooks provided to the students at Yuba Feather Elementary School.

**School Accountability Report Card:**

Yuba County Office of Education is required to review the accuracy of the data reported on the most recent school accountability report cards of Decile 1-3 schools with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities, including "good repair." To that end, the 2014-2015 School Accountability Report Card published during the 2015-2016 school year was reviewed.

**Teacher Misassignment:**

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3<sup>rd</sup> quarter report.

**Audit Review:**

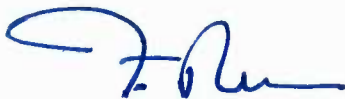
There were no audit findings for this site.

**Uniform Complaint:**

A Uniform Complaint form was posted in every classroom visited by the Williams team. No uniform complaints were reported during the fourth quarter of the 2015-2016 school year (April 1<sup>st</sup> - June 30<sup>th</sup>).

The Yuba County Office of Education is available should you have any questions or concerns regarding Williams reporting.

Very truly yours,

A handwritten signature in blue ink, appearing to read "F. Reveles", is written over a horizontal line.

Francisco Reveles, Ed.D., Superintendent  
Yuba County Office of Education

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION <b>Marysville Joint Unified School District</b>		COUNTY <b>Yuba County</b>	
SCHOOL SITE <b>Yuba Feather Elementary School PO Box 1458 (15600 Oregon Hill Road) Challenge, California 95925</b>		SCHOOL TYPE (GRADE LEVELS) <b>Kinder to 6th</b>	NUMBER OF CLASSROOMS ON SITE <b>12</b>
INSPECTOR'S NAME <b>John Mejia</b>	INSPECTOR'S TITLE <b>Maintenance Supervisor-YCOE</b>	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)	
TIME OF INSPECTION <b>7:15 AM</b>	WEATHER CONDITION AT TIME OF INSPECTION <b>Sunny &amp; Clear</b>		

**PART III: CATEGORY TOTALS AND RANKING** (round all calculations to two decimal places)

TOTAL NUMBER OF AREAS EVALUATED  ↓	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
	Number of "✓'s":	8	5	3	6	8	8	6	3	7	4	1	8	8	2	7
	Number of "D's":	0	1	0	0	0	0	2	0	0	1	0	0	0	2	1
8	Number of "X's":	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Number of N/A's:	0	2	5	2	0	0	0	5	1	3	7	0	0	4	0
Percent of System in Good Repair Number of "✓'s" divided by (Total Areas - "NA's")*		100.00%	83.33%	100.00%	100.00%	100.00%	100.00%	75.00%	100.00%	100.00%	80.00%	100.00%	100.00%	100.00%	50.00%	87.50%
Total Percent per Category (average of above)*		94.44%			100.00%	100.00%		75.00%	100.00%		90.00%		100.00%		68.75%	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		GOOD			GOOD	GOOD		FAIR	GOOD		GOOD		GOOD		POOR	

\*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:	DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE	→	91.02%	SCHOOL RATING**	→	GOOD
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\*\*For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

PERCENTAGE	DESCRIPTION	RATING
99%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
90%-98.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75%-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

**COMMENTS AND RATING EXPLANATION:** The school is being kept up in fairly good condition. There are some safety trip hazards that need to be addressed and an air conditioner that needs to be repaired.

**PART II: EVALUATION DETAIL**

Date of Inspection: **09/09/16**

School Name: **Yuba Feather Elementary School**

CATEGORY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
AREA	GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOM	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/ DOORS/ GATES/FENCES
<b>Main Building</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	COMMENTS:	<b>All looks good.</b>													
<b>Office Area New Classroom Building</b>	✓	✓	NA	✓	✓	✓	✓	NA	✓	D	NA	✓	✓	NA	✓
	COMMENTS:	<b>Great condition-fire extinguisher not stamped to date.</b>													
<b>Gym/Kitchen</b>	✓	✓	✓	✓	✓	✓	✓	NA	✓	✓	NA	✓	✓	NA	✓
	COMMENTS:	<b>Very clean and well organized.</b>													
<b>Grounds and Parking lots</b>	✓	NA	NA	NA	✓	✓	D	✓	✓	NA	NA	✓	✓	D	D
	COMMENTS:	<b>West playground-electrical box is exposed,safety hazard. Many trip hazards need to be looked at.</b>													
<b>Building C</b>	✓	✓	✓	✓	✓	✓	D	✓	✓	NA	NA	✓	✓	✓	✓
	COMMENTS:	<b>Light is hanging off the restroom wall.</b>													
<b>South Wing Quad</b>	✓	NA	NA	NA	✓	✓	✓	NA	NA	NA	NA	✓	✓	D	✓
	COMMENTS:	<b>Safety-need cover over holes reported last year still there.</b>													
<b>Room B-109</b>	✓	✓	NA	✓	✓	✓	✓	NA	✓	✓	NA	✓	✓	NA	✓
	COMMENTS:	<b>Very nice classroom.</b>													
<b>Room 1</b>	✓	D	NA	✓	✓	✓	✓	NA	✓	✓	NA	✓	✓	NA	✓
	COMMENTS:	<b>Air conditioner not working.</b>													
	COMMENTS:														
	COMMENTS:														
	COMMENTS:														

Marks: ✓ = Good Repair (When filling up the electronic version, please use **ctrl+G**); D = Deficiency; X = Extreme Deficiency; NA = Not Applicable  
 Use additional sheets as necessary.

October 13, 2016

Gay Todd, Superintendent, Marysville Joint Unified School District  
Bob Eckardt, Principal, Lindhurst High School

RE: Williams Visit ~ Lindhurst High School

Dear Dr. Todd and Mr. Eckardt:

California Education Code Section 1240 requires that the Superintendent of Schools, or his or her designee, visit schools identified in Yuba County and report the results of the visit. This report concerns the visit to Lindhurst High School. The visit was a positive, professional experience with a focus by the entire staff on seeking to improve the learning of each student at Lindhurst High School.

The purpose of the visit as specified in California Education Code 1240 was:

1. To ensure that students have access to “sufficient” instructional materials in four core subjects of English/language arts, mathematics, history/social science, and science;
2. To assess compliance with facilities maintenance to determine the condition of a facility that “poses an emergency or urgent threat to the health or safety of pupils or staff”; and
3. To determine if the school has provided accurate data for the annual School Accountability Report Card (SARC) related to instructional materials and facilities maintenance.

The law further requires that the Superintendent of Schools, or his/her designee, annually monitor and review:

1. Teacher assignments in Decile 1-3 schools;
2. Receive quarterly reports on complaints filed with the school district concerning insufficient instructional materials, teacher vacancies and misassignment and emergency or urgent facilities issues under the Uniform Complaint Procedure; and
3. Expanded audit review authority in the areas of use of Instructional Materials Program Funds, teacher misassignment and information reported on the School Accountability Report Card.

Before proceeding with the report, let me define some basic terms:

- “Sufficient instructional materials” means every pupil, including English language learners, has a textbook in the four core areas to use in class and to take home.
- “Facilities standards” means that each school district that receives state funding for facilities is required to establish a facilities inspection program and to ensure that each of the schools is maintained in good repair.
- “Good repair” is defined as maintaining schools that are clean, safe, and functional.

During the visit to Lindhurst High School, the findings related to the areas of instructional materials, facilities, School Accountability Report Card, teacher misassignment, audit findings, and uniform complaint notices are summarized below:

**School Facilities:**

The facility inspection for health and safety and for the verification of the district's facility evaluation was completed on September 9, 2016. The school's 2016 State Facility Inspection Tool (FIT) is attached. The facility inspection was limited to the fifteen areas identified in the Facility Inspection Tool which was developed by the Office of Public School Construction. Where there is a discrepancy between the FIT and the personal evaluation during the Williams review, the items were brought to the attention of the school administration.

**Instructional Materials:**

The Williams Verification Visit to Lindhurst High School occurred on September 8, 2016 and was an announced visit. Twenty-five percent of the classrooms were visited as required under the Williams' statutes. Classroom visits and review of the Instructional Materials Inventory revealed that there were sufficient numbers of English/language arts, math, history/social science, and science textbooks provided to the students at Lindhurst High School.

**School Accountability Report Card:**

Yuba County Office of Education is required to review the accuracy of the data reported on the most recent school accountability report cards of Decile 1-3 schools with respect to the availability of sufficient textbooks and instructional materials, and the safety, cleanliness, and adequacy of school facilities, including "fair repair." To that end, the 2014-2015 School Accountability Report Card published during the 2015-2016 school year was reviewed.

**Teacher Misassignment:**

Monitoring for teacher misassignments will be conducted in the spring and reported in the 3<sup>rd</sup> quarter report.

**Audit Review:**

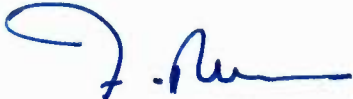
There were no audit findings for this site.

**Uniform Complaint:**

A Uniform Complaint form was posted in every classroom visited by the Williams team. No uniform complaints were reported during the fourth quarter of the 2015-2016 school year (April 1<sup>st</sup> - June 30<sup>th</sup>).

The Yuba County Office of Education is available should you have any questions or concerns regarding Williams reporting.

Very truly yours,



Francisco Reveles, Ed.D., Superintendent  
Yuba County Office of Education

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION <b>Marysville Joint Unified School District</b>		COUNTY <b>Yuba County</b>	
SCHOOL SITE <b>Lindhurst High School, 4446 Olive Drive, Olivehurst California 95961</b>		SCHOOL TYPE (GRADE LEVELS) <b>9 through 12</b>	NUMBER OF CLASSROOMS ON SITE <b>68</b>
INSPECTOR'S NAME <b>John Mejia</b>	INSPECTOR'S TITLE <b>Maintenance Supervisor-YCOE</b>	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE) <b>Principal-Bob Eckhardt</b>	
TIME OF INSPECTION <b>10:30 AM</b>	WEATHER CONDITION AT TIME OF INSPECTION <b>Warm &amp; Clear</b>		

**PART III: CATEGORY TOTALS AND RANKING** (round all calculations to two decimal places)

TOTAL NUMBER OF AREAS EVALUATED  ↓	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
	Number of "✓'s":	7	6	4	4	6	7	7	2	4	6	1	5	6	1	6
	Number of "D's":	0	0	0	0	1	0	0	0	0	0	0	1	0	2	1
7	Number of "X's":	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Number of N/As:	0	1	3	3	0	0	0	5	3	1	6	1	1	4	0
Percent of System in Good Repair Number of "✓'s" divided by (Total Areas - "NA's")*		100.00%	100.00%	100.00%	100.00%	85.71%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	83.33%	100.00%	33.33%	85.71%
Total Percent per Category (average of above)*		100.00%			100.00%	92.86%		100.00%	100.00%		100.00%		91.67%		59.52%	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		GOOD			GOOD	GOOD		GOOD	GOOD		GOOD		GOOD		POOR	

\*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:	DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE	→	93.01%	SCHOOL RATING**	→	GOOD
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\*\*For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

PERCENTAGE	DESCRIPTION	RATING
99%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
90%-98.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75%-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

**COMMENTS AND RATING EXPLANATION:** **Many improvements have been made to the site including new landscaping. There are problems with ADA compliant ramps for the northside Portables and the Portables on the northeast side need attention. The gate/fencing that was in need of repair at the gym last year has still not been addressed.**

**PART II: EVALUATION DETAIL** Date of Inspection: **09/09/16** School Name: **Lindhurst High School**

CATEGORY AREA	1 GAS LEAKS	2 MECH/HVAC	3 SEWER	4 INTERIOR SURFACES	5 OVERALL CLEANLINESS	6 PEST/VERMIN INFESTATION	7 ELECTRICAL	8 RESTROOM	9 SINKS/ FOUNTAINS	10 FIRE SAFETY	11 HAZARDOUS MATERIALS	12 STRUCTURAL DAMAGE	13 ROOFS	14 PLAYGROUND/ SCHOOL GROUNDS	15 WINDOWS/ DOORS/ GATES/FENCES
<b>A Building Welding</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NA	✓
COMMENTS:	<b>Good Condition</b>														
<b>E Building Culinary Class</b>	✓	✓	✓	✓	✓	✓	✓	NA	✓	✓	NA	✓	✓	NA	✓
COMMENTS:	<b>Outstanding class, very nice.</b>														
<b>Lots and Grounds</b>	✓	NA	NA	NA	✓	✓	✓	NA	NA	✓	NA	NA	NA	✓	✓
COMMENTS:	<b>Recently upgraded landscape, very nice.</b>														
<b>Portables North side of the school.</b>	✓	✓	NA	NA	✓	✓	✓	NA	✓	✓	NA	✓	✓	D	✓
COMMENTS:	<b>Ramps and railing are non-ADA compliant. Ramps are a trip hazard.</b>														
<b>Gym</b>	✓	✓	✓	✓	✓	✓	✓	NA	NA	✓	NA	✓	✓	NA	D
COMMENTS:	<b>Fencing and gate is still in need of repair as reported last inspection.</b>														
<b>Main Office</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NA	✓	✓	NA	✓
COMMENTS:	<b>Great Condition</b>														
<b>North East Portables</b>	✓	✓	NA	NA	D	✓	✓	NA	NA	NA	NA	D	✓	D	✓
COMMENTS:	<b>Portables in need of paint, the siding is rotting. There is garbage under all the ramps.</b>														
COMMENTS:															
COMMENTS:															
COMMENTS:															

Marks: ✓ = Good Repair (When filling up the electronic version, please use **ctrl+G**); D = Deficiency; X = Extreme Deficiency; NA = Not Applicable  
 Use additional sheets as necessary.

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## Administrative Services Memorandum

**To:** Board of Supervisors  
**CC:** Robert Bendorf, County Administrator  
**From:** Doug McCoy, Director, Administrative Services *h*  
**Date:** November 15, 2016  
**Re:** Approval of Estoppel Certificate

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### Recommendation

The Board approves the attached Estoppel Certificate and authorizes the chair to execute; whereby the County acknowledges the pending sale of the Packard Avenue Building.

### Background

Descor / Hampac LLC, the owner / Landlord of the Packard Avenue building has expressed an desire to sell the facility and has entered into an agreement to sell the Property to 'Yuba Packard, LLC,' a Delaware limited liability company, which is part of Kawa Capital Partners.

### Discussion

In connection with the sale of the Property, the building owner is requesting that the County review and sign the attached Estoppel Certificate to confirm certain facts about the Lease and the Property as set forth in the Estoppel Certificate.

### Committee Action

Under our lease, the County has 30 days to respond with the Estoppel Certificate. Due to this short timeframe, we have brought the item directly to your Board for consideration.

### Fiscal Impact

This item should have no fiscal impact to the County. Our lease will continue in effect and rental rates shall not change.

November 15, 2016

HAMPAC, LLC  
3164 Gold Camp Drive, Suite 250  
Rancho Cordova, California 95670  
Attention: Neal Cordeiro

Re 5730 Packard Avenue  
Marysville, California

Ladies and Gentlemen:

Reference is made to that certain Lease, dated as of March 21, 2006 (the "Original Lease"), between HAMPAC, LLC, a California limited liability company ("Landlord"), and the undersigned ("Tenant"), as amended by the First Amendment to Lease, dated May 11, 2006, the Second Amendment to Lease, dated April 17, 2007 (the "Second Amendment"), the Third Amendment to Lease, dated September 25, 2007, the Fourth Amendment to Lease, dated September 27, 2007, the Fifth Amendment to Lease, dated February 24, 2009 and the Sixth Amendment to Lease, dated August 24, 2010 (collectively, the "Lease Amendments" and together with the Original Lease, the "Lease"). A copy of the Lease (including all amendment thereto) is attached hereto as **Exhibit A**. At the request of Landlord in connection with the proposed sale (the "Pending Sale") of the property which is the subject of the Lease (the "Property"), Tenant hereby certifies to Landlord, Yuba Packard, LLC (together with its successor and assigns, "Purchaser") and any current or future lender to Purchaser (collectively with their successors and assigns, "Lender") as follows:

1. Tenant is the "Tenant" under the Lease.
2. The Lease is in full force and effect and has not been amended, modified, supplemented or superseded except as indicated in **Exhibit A**.
3. There is no defense, offset, claim or counterclaim by or in favor of Tenant against Landlord under the Lease or against the obligations of Tenant under the Lease. Tenant has no renewal, extension or similar right to renew or extend the term of the Lease, except as provided in Section 2.8 of the Lease.
4. Tenant has no or expansion option, right of first offer, right of first refusal or other similar right to expand the property demised the Lease, except as provided in Section 3 of the Second Amendment.
5. Tenant is not in default under the Lease, nor to Tenant's knowledge is Landlord in default under the Lease, nor is Tenant aware of any event which with notice or the passage of time or both would constitute a default of Tenant or of Landlord under the Lease.
6. Tenant has not received notice of a prior transfer, assignment, hypothecation or pledge by Landlord of any of Landlord's interest in the Lease.

7. The Pending Sale is the first sale of the Property since the date of the Original Lease.
8. The monthly rent due under the Lease is \$275,086.49 and has been paid through November 30, 2016, and all additional rent due and payable under the Lease has been paid through November 30, 2016. No monthly rent or additional rent has been paid more than thirty (30) days in advance.
9. The term of the Lease commenced on September 1, 2007, and expires on August 31, 2042, unless sooner terminated pursuant to the provisions of the Lease. Landlord has performed all work required by the Lease for Tenant's initial occupancy of the Property (including all portions of the demised premises added pursuant to the Lease Amendments) and Landlord has no further obligation to pay any further tenant improvement allowance to Tenant, except as provided in Section 2.8 of the Original Lease with respect to the Tenant's option to extend the term of the Lease for the second "Extension Term".
10. Tenant has no further right to request disbursement of the amount contemplated by Section 2 of the Second Amendment as said obligation has already been satisfied by Landlord.
11. Landlord has completed the lot split described in Section 4 of the Second Amendment and accordingly, Landlord has no further obligations thereunder.
12. Tenant has deposited the sum of \$0.00 with Landlord as security for the performance of its obligations under the Lease, and no portion of such deposit has been applied by Landlord to any obligation under the Lease.

The above certifications are made by Tenant to Landlord and Lender knowing that Landlord and Lender will rely thereon.

Very truly yours,

\_\_\_\_\_  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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

BY: Courtney A. [Signature]

## Exhibit A

Reference is made to that certain Lease, dated as of March 21, 2006 (the "Original Lease"), between HAMPAC, LLC, a California limited liability company ("Landlord"), and the undersigned ("Tenant"), as amended by the First Amendment to Lease, dated May 11, 2006, the Second Amendment to Lease, dated April 17, 2007 (the "Second Amendment"), the Third Amendment to Lease, dated September 25, 2007, the Fourth Amendment to Lease, dated September 27, 2007, the Fifth Amendment to Lease, dated February 24, 2009 and the Sixth Amendment to Lease, dated August 24, 2010 (collectively, the "Lease Amendments" and together with the Original Lease, the "Lease").

See Attached:

# 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 749-5816

### CODE ENFORCEMENT

749-5455 • Fax 749-5484

### 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

November 15, 2016

To: Yuba County Board of Supervisors

From: Kevin Mallen, CDSA Director 

Subject: Multi-Family Parcel Land Exchange

### RECOMMENDATION:

That the Board of Supervisors adopt the attached resolution authorizing the exchange of Assessor Parcel Number (APN) 016-040-105 for APN 020-133-012.

### BACKGROUND:

In 2006 the County worked with Mercy Housing to obtain a multi-family parcel in Plumas Lake (APN 016-040-105) which Mercy was going to develop. Due to unforeseen circumstances, Mercy was unable to develop the parcel and in June of 2016 the County received ownership of the parcel.

### DISCUSSION:

The County has been actively working to seek solutions to affordable housing, with one of the tactics being finding land that is ready to build for multi-family housing. The County has been approached by an owner of multi-family parcel in the West Linda area that is ready to build and is interested in exchanging the parcel for the County owned parcel in Plumas Lake due to it being adjacent to the owner's other parcels. An appraisal of both parcels were performed by an appraiser retained by the County and the current appraised value of the parcel in West Linda was found to be slightly higher than the County owned parcel in Plumas Lake, however the proposed agreement is to perform a direct exchange with no additional financial compensation being made to the owner of the West Linda parcel.

### COMMITTEE ACTION:

Due to time constraints this item is being presented directly to the full Board.

### FISCAL IMPACT:

None.

### Attachments:

Resolution

Property Exchange Agreement

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due to existing infrastructure than APN 016-040-105.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Yuba, that the Board hereby finds that the current market value of both real properties, as determined by the appraisal report, meets the legal requirement of being equal or greater value to the property being exchanged.

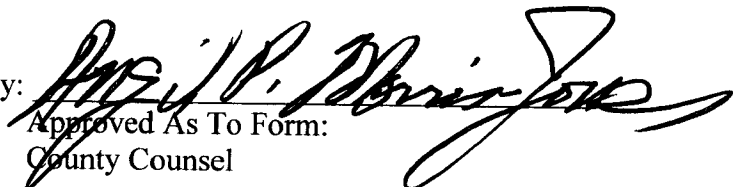
**BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of Yuba, that the Community Development and Services Agency Director is hereby authorized to take appropriate actions to complete the land exchange of the two Multi Family Parcels, which includes but is not limited to the execution of all documents as necessary to accomplish a land exchange of APN 016-040-105 for APN 020-133-012, subject to review and approval of County Counsel, with no additional financial compensation being made to the other party for said exchange.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the Board of Supervisors of the County of Yuba, by the following votes.

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

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

By: \_\_\_\_\_  
ATTEST:  
Clerk of the Board of Supervisors

By:   
Approved As To Form:  
County Counsel

**PROPERTY EXCHANGE AGREEMENT**

(499-1116) Adopt... - 5 of 10

**I) Property Ownership:**

- A) Lendco, LLC - 13.00 Assessed Acres
- B) County of Yuba - 9.03 Assessed Acres

**II) Property Description:**

A) 13.00 assessed acres situated on Cedar Lane and Alicia Avenue in Yuba County, California. The property is further described as assessor parcel number 020-133-012. An aerial of the property known as Exhibit "A" along with the assessor's map is attached for reference.

B) 9.03 assessed acres situated on Alogodon Road and just north of River Oaks Drive in Yuba County, California. The property is further described as assessor parcel number 16-040-105. An aerial of the property known as Exhibit "B" along with the assessor's map is attached for reference.

**III) Terms of Exchange:**

A) The properties will be traded evenly between the property owners with no additional compensation required from either of the property owners. Prior to the exchange being completed, each property owner must approve the Preliminary Title Report provided by the title company on each property.

B) The title company shall be First American Title c/o Ginger Harris in Yuba City. The title and escrow fees for this transaction shall be split 50-50 between the property owners.

C) The close of escrow for this transaction shall occur on or before December 15, 2016.

**Both property owners agree with the terms and conditions of this Property Exchange Agreement by signing and dating below:**

**Lendco, LLC**

\_\_\_\_\_  
David Lanza

\_\_\_\_\_  
Date

\_\_\_\_\_  
Patrick Laughlin

\_\_\_\_\_  
Date

**County of Yuba**

\_\_\_\_\_  
Kevin Mallen

\_\_\_\_\_  
Date

# EXHIBIT "A"

Cedar Estates

13.00 Assessed Acres

APN# 020-133-012

Cedar Ln

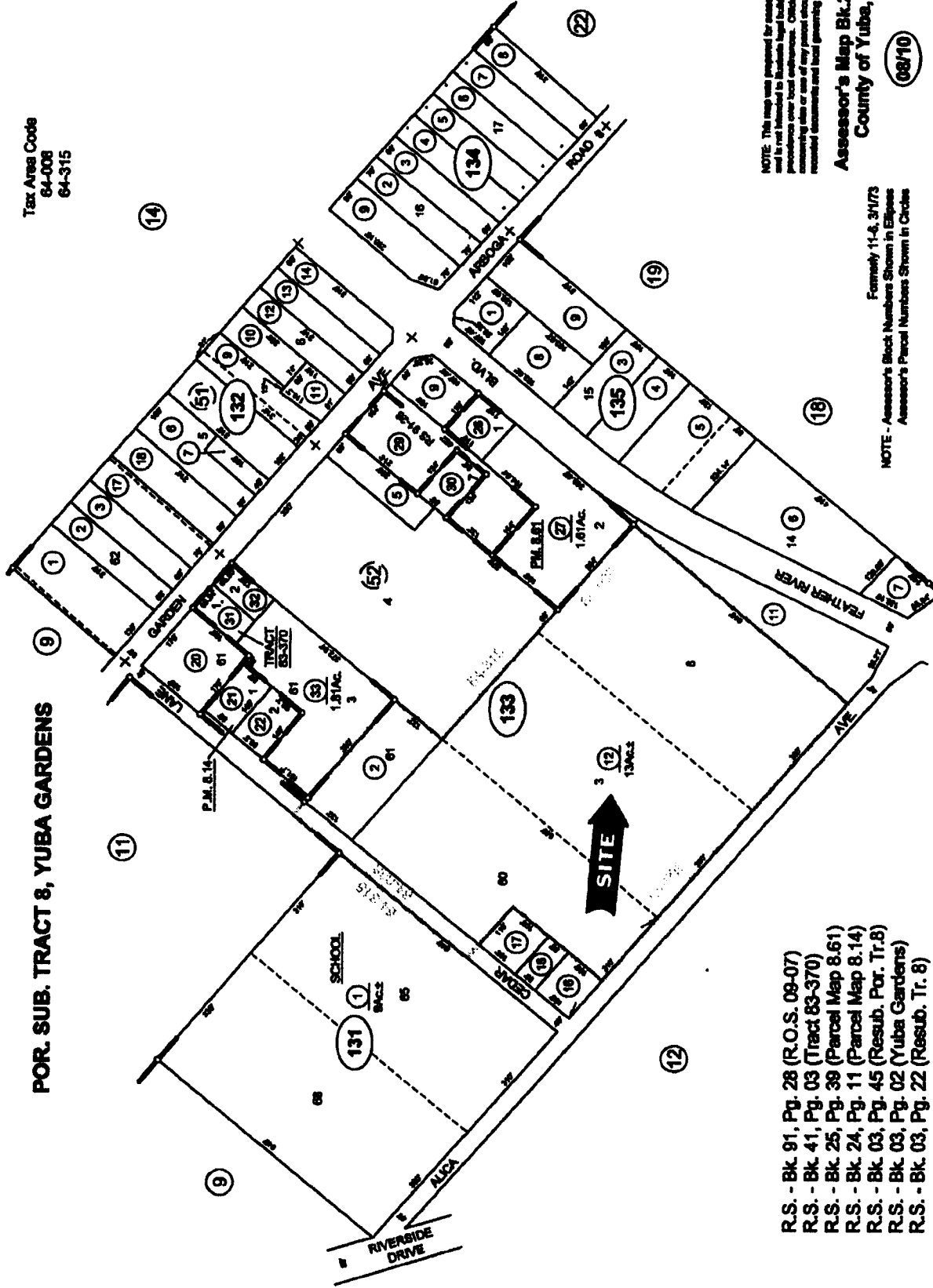
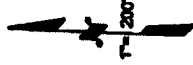
Beaumont River Rd

Avila Ave

# POR. SUB. TRACT 8, YUBA GARDENS

Tax Area Code  
64-008  
64-315

20-13



# EXHIBIT "B"

Ross Ranch  
9.03 Assessed Acres  
APN#: 16-040-105

State Hwy 70

Angelo

River Oaks Blvd



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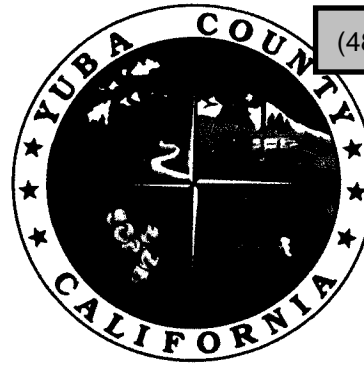
# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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

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



(486-1116) Ordin... - 1 of 14

CODE ENFORCEMENT  
749-5455 • Fax 749-5484

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

November 1, 2016

To: Yuba County Board of Supervisors

From: Kevin Mallen, CDSA Director

Subject: State Mandated Updates to Yuba County Building Codes

### RECOMMENDATION

Adopt the attached ordinance repealing and reenacting certain sections of Chapter 10.05 of the Yuba County Ordinance Code relating to standards of building construction.

### BACKGROUND

The State Building Standards Commission adopts building construction standards on a triennial basis which are codified in Title 24 of the California Code of Regulations. Local agencies are required to begin enforcement of these regulations within 180 days of publication.

### DISCUSSION

Due to the Building Standards Commission's adoption of the 2016 Codes, Yuba County is required to have our codes updated to be in conformance by January 1, 2017. In addition to referencing the updated codes, staff is proposing a couple minor edits to make administration of the code more straightforward. Attached is a copy of the proposed changes to sections of Chapter 10.05 in redline strikeout as well as a table summarizing the changes below.

CODE SECTION	PROPOSED CHANGE	SUMMARY OF CHANGES
10.05.140A	AMENDED	Reference the current triennial version of the California Code of Regulations Title 24.
10.05.140B.2	AMENDED	Repeal the 2012 IAPMO Uniform Swimming Pool, Spa and Hot Tub Code and replace it with the 2015 International Swimming Pool and Spa Code.
10.05.140B.3	REPEALED	Repeal the 2012 IAPMO Uniform Solar Code.

APPROVED NOV - 1 2016 *Unwed Reading*

10.05.170A	AMENDED	Corrected the reference to section 10.05.130 to read section 10.05.140
10.05.200A	AMENDED	Added language to the definition of an Alteration to include a change in occupancy or use.
10.05.440B	AMENDED	Repealed the 400 square foot limitation for temporary structures. Revised the language to authorize the Building Official discretion to require construction documentation and plan check service for temporary structures.

### **COMMITTEE ACTION**

The proposed changes are considered routine in nature and are being presented directly to the full Board.

### **ENVIRONMENTAL REVIEW**

Pursuant to the State Guidelines to implement the California Environmental Quality Act (CEQA), the ordinance has been reviewed for its potential to impact the environment. It is recommended that the Board of Supervisors determine that the proposal consists of the adoption of Codes for the regulation and safe construction of otherwise permitted structures within the unincorporated County. As the Ordinance addresses safety standards and shall not allow land uses by right-of-zone that are not otherwise allowed, it can be seen that the proposed ordinance will not have an adverse impact upon the environment and it is, therefore, EXEMPT from further environmental review pursuant to CEQA Section 15061(b)(3).

### **ATTACHMENTS**

1. Ordinance
2. Proposed Code Amendments – Tracked Changes Format

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING AND RE-ENACTING AS AMENDED SECTIONS 10.05.140, 10.05.170, 10.05.200, AND 10.05.440 OF CHAPTER 10.05 OF THE YUBA COUNTY ORDINANCE CODE RELATING TO STANDARDS OF BUILDING CONSTRUCTION**

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 \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairperson of the Board of Supervisors  
Of the County of Yuba, State of California

ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors

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

APPROVED AS TO FORM  
ANGIL MORRIS-JONES:

By: Courtney C. H.

**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. Sections 10.05.140, 10.05.170, 10.05.200, and 10.05.440 or Chapter 10.05 of Title X of the Yuba County Ordinance Code are hereby repealed and re-enacted as amended and set forth herein below:

**10.05.140 Adoption of Codes and Standards.** The following codes, standards, and/or publications are hereby adopted by reference and incorporated in this code.

**A. California Code of Regulations, Title 24, Building Standards Code.** The current triennial version of the California Code of Regulations, Title 24, published by the California Building Standards Commission including the most current errata, are hereby adopted as listed and amended below. The provisions of the Administrative sections as well as the appendixes shall not apply unless specifically adopted below.

1. 2016 California Administrative Code, Title 24 Part 1
2. 2016 California Building Code, Title 24, Part 2, Volumes 1 and 2, including Appendixes C, F and J
3. 2016 California Residential Code, Title 24, Part 2.5
4. 2016 California Electrical Code, Title 24, Part 3
5. 2016 California Mechanical Code, Title 24, Part 4
6. 2016 California Plumbing Code, Title 24 Part 5, including Appendixes A and C
7. 2016 California Energy Code, Title 24 Part 6
8. 2016 California Historical Building Code, Title 24 Part 8
9. 2016 California Fire Code, Title 24 Part 9
10. 2016 California Existing Building Code, Title 24 Part 10

11. 2016 California Green Building Standards, Title 24 Part 11

12. 2016 California Building Standards, Title 24 Part 12

**B. Supplementary Codes and Standards**

1. 2012 ICC International Property Maintenance Code, including Appendix A

- a. Exception: Scope and Administrative provisions contained in Sections 103, 106, 107, 110.2 and 111 shall not apply. Administrative and Abatement activities shall comply with Chapter 7.36 or 7.40 of the Yuba County Ordinance Code

2. 2015 ICC International Swimming Pool and Spa Code

3. 1997 ICBO Uniform Code For The Abatement Of Dangerous Buildings, Chapter 3

4. 1997 ICBO Uniform Housing Code, Chapters 4, 5, 6, 7, 8, 9 and 10

**10.05.170 Referenced Codes and Standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code.

- A.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the California Codes listed in Section 10.05.140, the provisions of this code or the California Codes listed in Section 10.05.140, as applicable, shall take precedence over the provisions in the referenced code or standard.
- B.** All reference to International Codes or other similar codes in referenced standards shall be replaced by equivalent provisions in the California Building Standards Codes.

**10.05.200** For the purposes of this Chapter, the following definitions shall govern:

- A. Alteration** – to change or modify an existing building or structure, whether dilapidated or not, where such change or modification does not cause an increase in the building or structure footprint or square footage. Alteration shall have the same meaning as remodel or change in use or occupancy.
- B. As-Built Plans** – means detailed drawings of an existing non-compliant building or structure constructed without permits including reviews and approvals
- C. Chief Building Official** – shall mean the person, certified pursuant to the California Health and Safety Code, who oversees the Building Department and is assigned the responsibility of enforcing the provisions of this code including his or her deputies, designees or contract employees. The Chief Building Official may also be referred to as “Building Official” or the “Director of the Building Department”.
- D. Costs of Enforcement** - means all costs, direct or indirect, actual or incurred related to the performance of various administrative acts required pursuant to the enforcement of this Chapter, which include but are not limited to: administrative overhead, salaries and

expenses incurred by County Officers, site inspections, investigations, notices, telephone contacts and correspondence, conducting hearings, as well as time expended by County staff in calculating the above expenses. The costs also include the cost of an Administrative Law Judge (ALJ), the cost of time and expenses associated with bringing the matter to hearing, the costs associated with any appeals from any decision rendered by any hearing body, the costs of judicially abating a violation and all costs associated with removing, correcting or otherwise abating any violation including administrative penalties of this Chapter.

- E. Emplacement** – to place a building or structure that is already prebuilt or preassembled onto a parcel.
- F. Existing Construction** – development including buildings and structures that have been maintained in good condition, have been in continuous use and do not otherwise create a public nuisance, or health or safety hazard.
- G. Like Materials** – shall mean materials, either new or used, that are equivalent to original materials. Like materials shall in no case perform less than the original materials or as prescribed by this code.
- H. Master Plan** – Building or structure plans that will result in 3 or more buildings or structures being built within the County of Yuba.
- I. New Construction** – Construction where no construction has ever occurred before, or construction on a lot where work begins two or more years after a disaster has been declared, or where 50% or more of any structural components, exclusive of the foundation, or 75% of any nonstructural components are being replaced with new materials.
- J. Non-Compliant Structure** – a building or structure built, or emplaced, without required reviews, approvals and permits.
- K. Permit, Reinstatement** – to make an expired permit operative again under the original permit's approved terms and conditions, provided that no changes have been made to the building or plans.
- L. Permit, Renewal** – to extend an unexpired permit for a specific amount of time allowing continuous work under the original permit's approved terms and conditions.
- M. Prebuilt** – designed, manufactured and assembled off site at a remote location and transported to a final site complete.
- N. Prefabricated** – designed and manufactured off site and then assembled on-site.
- O. Production House** – Housing that is built pursuant to a Master Plan.
- P. Rehabilitation** – to fix, repair or replace building materials that have become deteriorated, dilapidated or obsolete making the building or structure anew without altering the structure or building. Rehabilitation may be considered new construction based on the scope of work to be performed.

- Q. Remodel** – to reconfigure space or to replace building materials, including appliances, with new materials. Remodel shall have the same meaning as Alteration but not repair or rehabilitation.
- R. Repair, Major** – the act of fixing or replacing building materials where the work is not limited in scope. Major repair shall be the same as Rehabilitation where no alterations are being made.
- S. Repair, Minor** – the act of replacing, putting back together or reassembling existing building materials to fix what is broken. Minor repairs are limited to 10% or less, in any consecutive 12 month period, to one wall line or plane (delimited by changes in direction of any degree) and may include both structural and nonstructural elements. Minor repairs shall not result, when combined over time, in major repair or rehabilitation.
- T. Replacement** – for the purposes of fee application, replacement structures shall have an internal configuration, footprint and square footage similar to the original building or structure being replaced, and must fall within the two (2) year period as outlined in Chapter 10.35.
- U. Rules, Mandatory** – are rules that identify actions that are specifically required or prohibited and are characterized by the use of the terms shall or shall not.
- V. Rules, Permissive** – are those that identify actions that are allowed but not required, are normally used to describe options or alternative methods, and are characterized by the use of the terms may, shall be permitted, shall not be required or is authorized.
- W. Scope of Work** - means a written detail, which may or may not include plans, of anticipated work and shall accurately identify all areas and components of the structure that will be altered, repaired, replaced, removed or rehabilitated.
- X. Story** – one floor level consisting of rooms and does not include an attic or basement.
- Y. Unsafe Structures, Property or Equipment** – Shall mean insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, and shall also include but not be limited to the definitions as listed in Section 302 of the Uniform Code for the Abatement of Dangerous Buildings, Section 1001 of the Uniform Housing Code (1997 Editions), shall be deemed an unsafe condition. A vacant structure that is not secured against entry shall be deemed unsafe.

#### **10.05.440 Temporary Structures and Uses.**

- A. General.** The building official may issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official may, upon written request

supported by good cause, to grant a one-time extension of not more than 90 days. An application for temporary permit shall be made to the building official and shall contain a plot plan that accurately, to a scale of ¼ inch per foot, identifies property lines, required setbacks (structure to structure, property lines to structures, septic and well locations), grading activities (a separate permit may be required), existing structures and the proposed structure. The application shall also contain a signed and notarized acknowledgement stating that the structure is temporary and must be removed by the permit expiration date and that failure to do so will result in the issuance of a Notice and Order to Abate Public Nuisance (pursuant to Chapter 7.36 of the Yuba County Ordinance Code) along with all applicable enforcement costs and penalties.

- B. Conformance.** Temporary structures and uses shall be limited to the U Occupancy classification. The use of these temporary structures shall be limited to non-hazardous storage or an agricultural/horticultural use. Vehicle, chemical or hazardous material storage in these structures is prohibited. Construction documentation and plan-check service as required by this code may be required by the building official; however the structure must conform to generally accepted construction and/or engineering practices and shall not pose a fire/life/safety hazard to the community. The building official shall collect the fee for temporary structures as prescribed in Title XIII of the Yuba County Ordinance Code. Inspections pursuant to this Section include, but are not limited to, apparent fire/life/safety hazards, verification of setbacks, construction method, ground-attachment, temporary plumbing and electrical services/fixtures. In addition, verification of the structure's final removal shall also be authorized by the permit.
- C. Termination of Approval.** Where the temporary structure or use creates a hazard or is otherwise determined to be a public nuisance, the building official is authorized to terminate such permit for the temporary structure or use and to order the temporary structure or use to be discontinued. No refund of any fee paid pursuant to this section shall be reimbursed to the owner, applicant or authorized agent after a permit has been issued.

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

**THE 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. Sections 10.05.140, 10.05.170, 10.05.200, and 10.05.440 or Chapter 10.05 of Title X of the Yuba County Ordinance Code are hereby repealed and re-enacted as amended and set forth herein below:

**10.05.1440 Adoption of Codes and Standards.** The following codes, standards, and/or publications are hereby adopted by reference and incorporated in this code.

**A. California Code of Regulations, Title 24, Building Standards Code.** The current triennial version of the California Code of Regulations, Title 24, published by the California Building Standards Commission including the most current errata, are hereby adopted as listed and amended below. The provisions of the Administrative sections as well as the appendixes shall not apply unless specifically adopted below.

1. ~~2013-2016~~ California Administrative Code, Title 24 Part 1
2. ~~2013-2016~~ California Building Code, Title 24, Part 2, Volumes 1 and 2, including Appendixes C, F and J
3. ~~2013-2016~~ California Residential Code, Title 24, Part 2.5
4. ~~2013-2016~~ California Electrical Code, Title 24, Part 3
5. ~~2013-2016~~ California Mechanical Code, Title 24, Part 4
6. ~~2013-2016~~ California Plumbing Code, Title 24 Part 5, including Appendixes A and C
7. ~~2013-2016~~ California Energy Code, Title 24 Part 6
8. ~~2013-2016~~ California Historical Building Code, Title 24 Part 8
9. ~~2013-2016~~ California Fire Code, Title 24 Part 9

10. ~~2013-2016~~ California Existing Building Code, Title 24 Part 10
11. ~~2013-2016~~ California Green Building Standards, Title 24 Part 11
12. ~~2013-2016~~ California Building Standards, Title 24 Part 12

**B. Supplementary Codes and Standards**

1. 2012 ICC International Property Maintenance Code, including Appendix A
  - a. Exception: Scope and Administrative provisions contained in Sections 103, 106, 107, 110.2 and 111 shall not apply. Administrative and Abatement activities shall comply with Chapter 7.36 or 7.40 of the Yuba County Ordinance Code
- ~~2. 2012 IAPMO Uniform Swimming Pool and Hot Tub Code.~~
2. 2015 ICC International Swimming Pool and Spa Code
- ~~3. 2012 IAPMO Uniform Solar Code~~
- ~~4.3.~~ 1997 ICBO Uniform Code For The Abatement Of Dangerous Buildings, Chapter 3
- ~~5.4.~~ 1997 ICBO Uniform Housing Code, Chapters 4, 5, 6, 7, 8, 9 and 10

**10.05.1770 Referenced Codes and Standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code.

- A. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the California Codes listed in Section 10.05.1430, the provisions of this code or the California Codes listed in Section 10.05.1340, as applicable, shall take precedence over the provisions in the referenced code or standard.
- B. All reference to International Codes or other similar codes in referenced standards shall be replaced by equivalent provisions in the California Building Standards Codes.

**10.05.200** For the purposes of this Chapter, the following definitions shall govern:

- A. **Alteration** – to change or modify an existing building or structure, whether dilapidated or not, where such change or modification does not cause an increase in the building or structure footprint or square footage. Alteration shall have the same meaning as remodel, or change in use or occupancy.
- B. **As-Built Plans** – means detailed drawings of an existing non-compliant building or structure constructed without permits including reviews and approvals
- C. **Chief Building Official** – shall mean the person, certified pursuant to the California Health and Safety Code, who oversees the Building Department and is assigned the

responsibility of enforcing the provisions of this code including his or her deputies, designees or contract employees. The Chief Building Official may also be referred to as “Building Official” or the “Director of the Building Department”.

- D. Costs of Enforcement** - means all costs, direct or indirect, actual or incurred related to the performance of various administrative acts required pursuant to the enforcement of this Chapter, which include but are not limited to: administrative overhead, salaries and expenses incurred by County Officers, site inspections, investigations, notices, telephone contacts and correspondence, conducting hearings, as well as time expended by County staff in calculating the above expenses. The costs also include the cost of an Administrative Law Judge (ALJ), the cost of time and expenses associated with bringing the matter to hearing, the costs associated with any appeals from any decision rendered by any hearing body, the costs of judicially abating a violation and all costs associated with removing, correcting or otherwise abating any violation including administrative penalties of this Chapter.
- E. Emplacement** – to place a building or structure that is already prebuilt or preassembled onto a parcel.
- F. Existing Construction** – development including buildings and structures that have been maintained in good condition, have been in continuous use and do not otherwise create a public nuisance, or health or safety hazard.
- G. Like Materials** – shall mean materials, either new or used, that are equivalent to original materials. Like materials shall in no case perform less than the original materials or as prescribed by this code.
- H. Master Plan** – Building or structure plans that will result in 3 or more buildings or structures being built within the County of Yuba.
- I. New Construction** – Construction where no construction has ever occurred before, or construction on a lot where work begins two or more years after a disaster has been declared, or where 50% or more of any structural components, exclusive of the foundation, or 75% of any nonstructural components are being replaced with new materials.
- J. Non-Compliant Structure** – a building or structure built, or emplaced, without required reviews, approvals and permits.
- K. Permit, Reinstatement** – to make an expired permit operative again under the original permit’s approved terms and conditions, provided that no changes have been made to the building or plans.
- L. Permit, Renewal** – to extend an unexpired permit for a specific amount of time allowing continuous work under the original permit’s approved terms and conditions.
- M. Prebuilt** – designed, manufactured and assembled off site at a remote location and transported to a final site complete.
- N. Prefabricated** – designed and manufactured off site and then assembled on-site.

- O. Production House** – Housing that is built pursuant to a Master Plan.
- P. Rehabilitation** – to fix, repair or replace building materials that have become deteriorated, dilapidated or obsolete making the building or structure anew without altering the structure or building. Rehabilitation may be considered new construction based on the scope of work to be performed.
- Q. Remodel** – to reconfigure space or to replace building materials, including appliances, with new materials. Remodel shall have the same meaning as Alteration but not repair or rehabilitation.
- R. Repair, Major** – the act of fixing or replacing building materials where the work is not limited in scope. Major repair shall be the same as Rehabilitation where no alterations are being made.
- S. Repair, Minor** – the act of replacing, putting back together or reassembling existing building materials to fix what is broken. Minor repairs are limited to 10% or less, in any consecutive 12 month period, to one wall line or plane (delimited by changes in direction of any degree) and may include both structural and nonstructural elements. Minor repairs shall not result, when combined over time, in major repair or rehabilitation.
- T. Replacement** – for the purposes of fee application, replacement structures shall have an internal configuration, footprint and square footage similar to the original building or structure being replaced, and must fall within the two (2) year period as outlined in Chapter 10.35.
- U. Rules, Mandatory** – are rules that identify actions that are specifically required or prohibited and are characterized by the use of the terms shall or shall not.
- V. Rules, Permissive** – are those that identify actions that are allowed but not required, are normally used to describe options or alternative methods, and are characterized by the use of the terms may, shall be permitted, shall not be required or is authorized.
- W. Scope of Work** - means a written detail, which may or may not include plans, of anticipated work and shall accurately identify all areas and components of the structure that will be altered, repaired, replaced, removed or rehabilitated.
- X. Story** – one floor level consisting of rooms and does not include an attic or basement.
- Y. Unsafe Structures, Property or Equipment** – Shall mean insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, and shall also include but not be limited to the definitions as listed in Section 302 of the Uniform Code for the Abatement of Dangerous Buildings, Section 1001 of the Uniform Housing Code (1997 Editions), shall be deemed an unsafe condition. A vacant structure that is not secured against entry shall be deemed unsafe.

#### 10.05.4440 Temporary Structures and Uses.

- A. General.** The building official may issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official may, upon written request supported by good cause, to grant a one-time extension of not more than 90 days. An application for temporary permit shall be made to the building official and shall contain a plot plan that accurately, to a scale of ¼ inch per foot, identifies property lines, required setbacks (structure to structure, property lines to structures, septic and well locations), grading activities (a separate permit may be required), existing structures and the proposed structure. The application shall also contain a signed and notarized acknowledgement stating that the structure is temporary and must be removed by the permit expiration date and that failure to do so will result in the issuance of a Notice and Order to Abate Public Nuisance (pursuant to Chapter 7.36 of the Yuba County Ordinance Code) along with all applicable enforcement costs and penalties.
- B. Conformance.** Temporary structures and uses shall be limited to the U Occupancy classification, ~~limited to 400 square foot, or less, in size; with~~ with the use of these structures shall be limited to non-hazardous storage or an agricultural/horticultural use; ~~Vehicle, chemical or hazardous material storage in these structures~~ is prohibited. Construction documentation and plan-check service as required by this code ~~shall not be required~~ may be required by the building official; however the structure must conform to generally accepted construction and/or engineering practices and shall not pose a fire/life/safety hazard to the community. The building official shall collect the fee for temporary structures as prescribed in Title XIII of the Yuba County Ordinance Code. Inspections pursuant to this Section include, but are not limited to, apparent fire/life/safety hazards, verification of setbacks, construction method, ground-attachment, temporary plumbing and electrical services/fixtures. In addition, verification of the structure's final removal shall also be authorized by the permit.
- C. Termination of Approval.** Where the temporary structure or use creates a hazard or is otherwise determined to be a public nuisance, the building official is authorized to terminate such permit for the temporary structure or use and to order the temporary structure or use to be discontinued. No refund of any fee paid pursuant to this section shall be reimbursed to the owner, applicant or authorized agent after a permit has been issued.

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# The County of Yuba

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Auditor-Controller

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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)



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

October 25, 2016

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:

FIRST 5 YUBA

JUNE 30, 2016

Yours truly,

C. Richard Eberle  
Auditor-Controller

CRE/kmd  
Electronically Filed Copy

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**FIRST 5 YUBA**  
**(A Component Unit of the County of Yuba)**  
**FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED**  
**JUNE 30, 2016**

**FIRST 5 YUBA  
FINANCIAL STATEMENTS  
FOR THE YEAR ENDED JUNE 30, 2016**

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**FIRST 5 YUBA**  
**Commission Membership**  
**As of June 30, 2016**

<b><u>Name</u></b>	<b><u>Position</u></b>	<b><u>Date of Original Appt.</u></b>	<b><u>Current Term Expires</u></b>
Andy Vasquez	County Representative Board of Supervisors	5/2013	NA
Pam Morasch	County Representative Dept. Health & Human Services	09/2014	NA
Jim Arnold	County Representative Chief Probation Officer	08/2013	NA
Rice Homer	County Representative Dept. Health & Human Services	11/2015	NA
Josh Harris	County Representative Office of Education	10/2015	NA
Melinda Staples	Community Member	11/2015	04/2017
Sally Sokoloski	Community Member	11/2015	04/2018

P.O. Box 160  
Lincoln, CA 95648  
Office (916) 434-1662  
Fax (916) 434-1090

## **INDEPENDENT AUDITOR'S REPORT**

Board of Commissioners  
First 5 Yuba  
Marysville, California

### **Report on Financial Statements**

We have audited the accompanying financial statements of the governmental activities and each major fund of First 5 Yuba (The Commission), a component unit of the County of Yuba, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements as listed in the table of contents

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's Responsibility**

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also

includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

## **Opinions**

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, and each major fund of the Commission, as of June 30, 2016, and the respective changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis and Budgetary Comparison Information on pages 4 through 8 and 23 through 24 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### ***Other Information***

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Commission's basic financial statements. The other supplementary information listed in the table of contents, is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The other supplementary information is the responsibility of management and was derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the other supplemental information as listed in the table of contents is

fairly stated in all material respects in relation to the basic financial statements as a whole.

### **Other Reporting Required by Government Auditing Standards**

In accordance with *Government Auditing Standards*, we have also issued our report dated October 17, 2016 on our consideration of the Commission's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of the report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Commission's internal control over financial reporting and compliance

A handwritten signature in black ink that reads "Jensen Smith". The signature is written in a cursive, flowing style.

Jensen Smith  
Certified Public Accountants, Inc.  
Lincoln, California  
October 17, 2016

## FIRST FIVE YUBA COMMISSION

### Management's Discussion and Analysis For the Year Ended June 30, 2016

First Five Yuba Commission was established in 1998 following the passage of Proposition 10 (Prop 10). The Commission is responsible for the management and investment of Prop 10 revenues in Yuba County. First Five Yuba's vision is "All Yuba County children are healthy and thriving in safe and nurturing family environments and ready to succeed in their educational experiences."

Proposition 10 was approved by California voters in 1998, and established the California Children and Families Commission, known as First 5 California. It authorized the establishment of county commissions in all fifty-eight California counties. Prop 10 generates approximately \$450 million annually from tax on cigarettes and other tobacco products. First 5 California uses 20 percent of the annual revenues for statewide parent education efforts and administration. The remaining 80 percent is divided among county commissions, with county birth rates used to determine annual funding allocations. All Prop 10 revenues must be spent only on promoting, supporting and improving the development of all children, from prenatal through age five.

The work and investments of First Five Yuba are guided by a seven member commission. Commissioners are appointed by the Yuba County Board of Supervisors in compliance with the California Children and Families Act. First Five Yuba is a public entity legally separate and apart from the County, and is considered a component unit of the County due to the operational relationship between First Five Yuba and the County. Commissioners represent the fields of education, health, mental health and local government. As a public entity, the Commission bases its decisions on community input. We observe The Brown Act Open Meetings for Local Legislative Bodies and public comment is always invited and welcome.

What happens from age 0 through 5 strongly influences how a child will function in school and later in life. A clear goal for First 5 Commissions across the state is for children to be socially, emotionally, physically and intellectually ready for school. Four long-range outcomes, or strategic results, have been identified to support this universal Prop 10 goal:

1. Improved Family Functioning: Strong Families
2. Improved Child Development: Children Learning
3. Improved Child Health: Healthy Children
4. Improved Infrastructure: Community Collaboration

Investment opportunities in early care and education benefit families, children, and the community. First Five Yuba's local investment of Prop 10 revenues connects early brain development to school readiness. Our vision, mission, goals and objectives aim to enhance the health and well-being of Yuba County's youngest residents, promoting optimal brain development today and powerful possibilities for the future.

By focusing investment on the 0 through 5 years of peak brain development, Prop 10 has a positive impact on public spending. Significant spending reductions in the areas of special education, welfare assistance and criminal justice will occur as children become better prepared for school and progress toward becoming contributing members of the workforce and society.

## FIRST FIVE YUBA COMMISSION

### Management's Discussion and Analysis For the Year Ended June 30, 2016

#### **Overview of the Financial Statements**

This discussion and analysis is intended to serve as an introduction to the Commission's basic financial statements. The Commission's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

**Government-wide Financial Statements.** The *government-wide financial statements* are designed to provide readers with a broad overview of the Commission's finances, in a manner similar to a private sector business.

The *statement of net position* presents information on all of the Commission's assets and liabilities, with the difference between the two reported as *net position*.

The *statement of activities* presents information showing how the Commission's net assets changed during the most recent fiscal year. All changes in net assets are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported in the statement for some items that will only result in cash flows in future fiscal periods (e.g. earned but unused vacation leave).

The government-wide financial statements can be found on pages 9-10 of this report.

**Fund Financial Statements.** A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Commission, like other local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. Fund financial statements report essentially the same functions as those reported in the government-wide financial statements. However, unlike the government-wide financial statements, fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balance provide a reconciliation to facilitate the comparison between governmental funds and government wide statements.

The Commission adopts an annual appropriated budget for its fund. A budgetary comparison statement has been provided for the fund to demonstrate compliance with the budget.

The fund financial statements can be found on pages 11-12 of this report.

**Notes to the Financial Statements.** The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 13-22 of this report.

**Required Supplementary Information (RSI).** RSI is presented concerning the Commission's General Fund budgetary schedule. The Commission adopts an annual appropriated budget for its General Fund. A budgetary comparison schedule has been provided for the General Fund to demonstrate compliance with this budget.

**FIRST FIVE YUBA COMMISSION**

Management's Discussion and Analysis  
For the Year Ended June 30, 2016

**Government-wide Financial Analysis**

Net position may serve over time as a useful indicator of a government's financial position. In the case of the Commission, assets exceed liabilities by \$2,565,118 at the close of the most recent fiscal year. The Commission's net position decreased overall by \$337,142 during the 2015-2016 fiscal year. This decrease in net position is explained in the governmental activities analysis below and reflect pages 9 and 10 in the financial statements.

The most significant portion of the Commission's net position is its cash balance of \$2,657,344. Cash is maintained by the County Treasurer in the County's cash and investment pool where interest earned on the Commission's balance is apportioned to the Commission. Another source of resources also resides in the Commission's receivables due from the State Commission for Prop 10 taxes in the amount of \$153,223. These receivables represent taxes that were remitted by the State but had not been received by the Commission as of June 30, 2016.

The most significant portion of the Commission's liabilities are accounts payable of \$224,970 representing payments due for obligations incurred during the year, but not yet paid. The majority of these accounts payable are comprised of amounts owed to major grantees for the April through June 2016 quarter.

**Statement of Net Position Comparison**

	<u>FY 2015-16</u>	<u>FY 2014-15</u>	<u>Difference</u>
Total Assets	\$ 2,819,444	\$ 3,052,429	\$ (232,895)
Total Liabilities	<u>254,326</u>	<u>150,169</u>	<u>104,157</u>
Total Net Position	<u>\$ 2,565,118</u>	<u>\$ 2,902,260</u>	<u>\$ (337,142)</u>

**Statement of Activities Comparison**

	<u>FY 2015-16</u>	<u>FY 2014-15</u>	<u>Difference</u>
Total Revenues	\$ 876,727	\$ 845,047	\$ 31,680
Total Expenses	<u>1,213,869</u>	<u>1,084,197</u>	<u>129,972</u>
Net Change before Prior Period Adjustment	(337,142)	(239,150)	97,992
Prior Period Adjustment	<u>0</u>	<u>27,440</u>	<u>(27,440)</u>
Change in Net Position	<u>\$ (337,142)</u>	<u>\$ (211,710)</u>	<u>\$ 125,432</u>

**FIRST FIVE YUBA COMMISSION**

Management's Discussion and Analysis  
For the Year Ended June 30, 2016

***Financial Analysis of the Commission's Governmental Fund***

As noted earlier in the Overview of Financial Statements, fund accounting is used by the Commission to ensure and demonstrate compliance with finance-related legal requirements.

For the year-ended June 30, 2016, the Commission reported an ending fund balance of \$2,577,365, a decrease of \$334,534 or 11.5%, from the prior year. The decrease is a result of grants and contracts funded in 2015-2016.

Under GASB 54 regulations, the Commission has reserved \$2,577,365 or 100% of their funds in the Committed Fund Balance category.

Total revenue consisting of Prop 10 funds, interest income decreased from \$845,047 to \$876,727, a decrease of \$31,680, or 3.75%, from the prior fiscal year. This decrease was a result of the decreased Prop 10 Tobacco Tax revenue and other non-recurring revenues.

Total expenditures increased from \$1,084,197 to \$1,211,261, an increase of \$127,064, or 11.7%, from the prior fiscal year. This increase was primarily due to the increased expenditures for programs and salaries and benefits in 2015-16. The activity is noted below and on pages 11 and 12 in the financial statements.

Statement of Revenues, Expenditures and Changes in Fund Balance  
Comparison Statement

	FY 2015-16	FY 2014-15	Difference
Total Revenues	\$ 876,727	\$ 845,047	\$ 31,680
Expenditures			
Administration	261,088	248,771	12,317
Professional Services	950,173	835,426	114,747
Total Expenditures	1,211,261	1,084,197	127,064
Changes in Fund Balance	\$ (334,534)	\$ (239,150)	\$ (95,384)

***Fund Budgetary Highlight***

Total revenues were slightly over budget by \$88,933 or less than 10%, and total expenditures were under budget by \$150,422 or 13%. The total revenue increase was due to a slightly higher than expected Prop 10 Tobacco Tax revenue and Interest Income. Expenditures were under budget due to the portion of the remaining expenditure funds being committed for future expenditures on multi-year contracts.

**FIRST FIVE YUBA COMMISSION****Management's Discussion and Analysis  
For the Year Ended June 30, 2016*****Capital Assets and Debt Administration******Capital Assets***

The Commission's investment in capital assets for its governmental type activities as of June 30, 2016 is \$0 (net of accumulated depreciation). Additional information is located in Note 4 of this report.

***Debt Administration***

At the end of the current fiscal year, the Commission did not have any long-term obligations outstanding. Other long-term liabilities include compensated absences of \$12,247. Additional information on this liability is located in Note 5 of this report.

***Economic Factors and Next Year's Budget***

The Commission is committed to focusing Prop 10 funds on promoting, supporting and improving the development of all children, from prenatal through age five.

The following economic factors were considered in preparing the Commission's budget for fiscal year 2016-2017:

- Expected decrease in Prop 10 tobacco tax revenue due to new legislation
- Commitment to newly adopted desired results identified in the strategic plan
- Utilizing the fund balance to maintain program sustainability for the good of the public and other designated Commission initiatives based on community need.

Future year annual budgets will be adopted in accordance with regularly updated Long Range Financial Plans, and the updated Strategic Plan adopted by the First Five Yuba Commission in May, 2016.

***Requests for Information***

This financial report is designed to provide a general overview of the First Five Yuba Commission finances for all those interested. Questions concerning, any of the information provided in this report or requests for additional financial information should be addressed to First Five Yuba Commission, 1114 Yuba Street, Suite 201, Marysville, CA 95901.

Respectfully Submitted,

Cynthia Sodari  
Executive Director

**FIRST 5 YUBA**  
**STATEMENT OF NET POSITION**  
**JUNE 30, 2016**

(500-1116) Lette... - 14 of 39

**ASSETS**

Cash in County Treasury	\$ 2,657,344
Due from First 5 CA	153,223
Contract Advances - Prepaid	2,957
Interest Receivable	<u>5,920</u>
<b>Total Assets</b>	<u>2,819,444</u>

**LIABILITIES**

Accounts Payable	224,970
Accrued Payroll	17,109
Long-term Liabilities:	
Compensated Absences Payable	<u>12,247</u>
<b>Total Liabilities</b>	<u>254,326</u>

**NET POSITION**

Restricted	<u>2,565,118</u>
<b>Total Net Position</b>	<u><u>\$ 2,565,118</u></u>

See Accompanying Notes to Financial Statements.

**FIRST 5 YUBA  
STATEMENT OF ACTIVITIES  
JUNE 30, 2016**

(500-1116) Lette... - 15 of 39

**FIRST 5 PROGRAM EXPENSES**

<b>Salaries and Employee Benefits</b>	\$ 195,905
<b>Operating Expenses</b>	
Insurance	3,310
Memberships	3,625
Office Expenses	8,689
Professional Fees	18,785
Advertising and Publications	161
Occupancy	9,670
Special Department Expense	7,366
Transportation and Travel	1,747
A-87 County Fees	33,223
<b>Total Operating Expenses</b>	<u>86,576</u>
<b>Program Expenses</b>	
Improved Systems of Care	57,120
Improved Family Functioning	577,766
Improved Child Development	98,165
Improved Child Health	149,161
<b>Total Program Expenses</b>	<u>882,212</u>
<b>Evaluation</b>	<u>49,176</u>
<b>Total Expenses</b>	<u><u>1,213,869</u></u>

**PROGRAM REVENUES**

Operating Grants and Contributions:	
Prop 10 Apportionment	851,978
Surplus Money Investment Funds	2,856
<b>Total Program Revenues</b>	<u>854,834</u>
<b>Net Program Revenues (Expense)</b>	(359,035)

**GENERAL REVENUES**

Interest Income	<u>21,893</u>
<b>Change in Net Position</b>	(337,142)
<b>Net Position - Beginning of Year</b>	<u>2,902,260</u>
<b>Net Position - End of Year</b>	<u><u>\$ 2,565,118</u></u>

See Accompanying Notes to Financial Statements.

**FIRST 5 YUBA  
BALANCE SHEET  
JUNE 30, 2016**

(500-1116) Lette... - 16 of 39

**ASSETS**

Cash in County Treasury	\$ 2,657,344
Accounts Receivable - State of California Prop. 10	153,223
Contract Advances - Prepaid	2,957
Interest Receivable	<u>5,920</u>
<b>Total Assets</b>	<b><u><u>\$ 2,819,444</u></u></b>

**LIABILITIES**

Accounts Payable	\$ 224,970
Accrued Payroll	<u>17,109</u>
<b>Total Liabilities</b>	<b><u>242,079</u></b>

**FUND BALANCES**

Fund Balances:	
Committed for:	
Program sustainability	1,734,904
First 5 programs	842,461
Unassigned	<u>-</u>
<b>Total Fund Balances</b>	<b><u>2,577,365</u></b>
<b>Total Liabilities and Fund Balances</b>	<b><u><u>\$ 2,819,444</u></u></b>

**Reconciliation of the Governmental Fund Balance Sheet  
to the Government - Wide Statement of Net Position - Governmental Activities  
June 30, 2016**

<b>Fund Balance - Total Governmental Fund (from above)</b>	<b>\$ 2,577,365</b>
Amounts reported for governmental activities in the statement of net assets are different because:	
Long-term liabilities, including notes payable, are not due and payable in the current period, and therefore are not reported in the governmental fund.	
Compensated Absences	<u>(12,247)</u>
<b>Net Position of Governmental Activities</b>	<b><u><u>\$ 2,565,118</u></u></b>

See Accompanying Notes to Financial Statements.

**FIRST 5 YUBA**  
**STATEMENT OF REVENUES, EXPENDITURES AND**  
**CHANGES IN FUND BALANCE**  
**FOR THE YEAR ENDED JUNE 30, 2016**

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**REVENUES**

Operating Grants and contributions:	
Prop 10 Apportionment	\$ 851,978
SMIF and Other Revenues	2,856
Interest Income	21,893
<b>Total Revenues</b>	<b>876,727</b>

**EXPENDITURES**

<b>Salaries and Employee Benefits</b>	\$ 193,297
<b>Operating Expenses</b>	
Insurance	3,310
Memberships	3,625
Office Expenses	8,689
Professional Fees	18,785
Advertising and Publications	161
Occupancy	9,670
Special Department Expense	7,366
Transportation and Travel	1,747
A-87 County Fees	33,223
<b>Total Operating Expenses</b>	<b>86,576</b>
<b>Program Expenses</b>	
Improved Systems of Care	57,120
Improved Family Functioning	577,766
Improved Child Development	98,165
Improved Child Health	149,161
<b>Total Program Expenses</b>	<b>882,212</b>
<b>Evaluation</b>	49,176
<b>Total Expenditures</b>	<b>1,211,261</b>

<b>Net Change in Fund Balance</b>	(334,534)
<b>Fund Balance - Beginning of Year</b>	2,911,899
<b>Fund Balance - End of Year</b>	<b>\$ 2,577,365</b>

**Reconciliation of the Statement of Revenue, Expenditures and**  
**Changes in Fund Balance of Governmental Fund to the**  
**Government-Wide Statement of Activities - Governmental Activities**  
**For the Year Ended June 30, 2016**

<b>Net Change to Fund Balance - Total Governmental Fund</b>	\$ (334,534)
Total change in net assets for governmental activities in the statement of activities is different because:	
Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in the governmental fund	
Change in Compensated Absences	(2,608)
<b>Change in Net Position of Governmental Activities</b>	<b>\$ (337,142)</b>

See Accompanying Notes to Financial Statements.

**FIRST 5 YUBA**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2016**

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**Note 1: Nature of the Entity**

First 5 Yuba (Commission) was established on December 15, 1998 pursuant to authority granted under the California Children and Families Act of 1998 by the County of Yuba's Board of Supervisors to operate as a separate and legal entity from the County of Yuba. The Commission is considered a component unit of the County of Yuba. The California Children and Families First Act of 1998 (Proposition 10), was adopted by the voters of the State of California on November 3, 1998. The Commission's programs are funded by taxes levied by the State of California on tobacco products.

The Commission's specific purpose is to promote, support and improve the early development of children from the prenatal stage to five (5) years of age, consistent with the goals and objectives of Proposition 10 within the County of Yuba. This purpose shall be accomplished through the establishment, institution, and coordination of appropriate standards, resources, and integrated and comprehensive programs emphasizing community awareness, education, nurturing, childcare, social services, health care and research.

The Commission is administered by a governing board of commissioners. The commissioners consist of one (1) member of the Board of Supervisors, the Chief Probation Officer of Yuba County, the Deputy Director of Health and Human Services, the Yuba County Public Health Administrator, the Yuba County Office of Education Superintendent and two members of the community who represent an area specific to the purpose of the Commission. Community Commissioners serve for three year terms and may renew for additional terms.

**Note 2: Summary of Significant Accounting Policies**

**A. Basis of Presentation and Accounting**

***Government-Wide Statements***

The statement of net position and statement of activities display information about the primary government (Commission). These statements include financial activities of the overall Commission.

The statement of activities presents a comparison between direct expenses and program revenues for the Commission's governmental activity. Direct expenses are those that are specifically associated with the Commission. Program revenues include grants and contributions that are restricted to meeting the operational or capital requirements of the Commission. Revenues that are not classified as program revenues, including investment income, are presented instead as general revenues.

**FIRST 5 YUBA**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2016**

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**Note 2: Summary of Significant Accounting Policies (continued)**

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when related cash flows take place. When both restricted and unrestricted resources are available, restricted resources are used only after the unrestricted resources are depleted.

***Fund Financial Statements***

Separate financial statements are provided for the governmental funds. The governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available to finance expenditures of the current period. Proposition 10 taxes investment income are accrued when their receipt occurs within ninety days after the end of the accounting period so as to be both measurable and available. All receivables are expected to be collected within the current year. Expenditures are generally recorded when a liability is incurred, as under accrual accounting.

Nonexchange transactions, in which the Commission gives (or receives) value without directly receiving (or giving) value in exchange, include sales taxes, grants, entitlements and donations. On a modified accrual basis, revenues from sales taxes are recognized when the underlying transactions take place and have met the availability criteria. Revenues from grants, entitlements and donations are recognized in the fiscal year in which all eligibility requirements have been satisfied.

The Commission reports one major governmental fund, the General Fund. The General Fund is the Commission's primary operating fund. It accounts for all financial resources of the general government.

**B. Due from First 5 CA**

This amount represents receivables from the State government. Management has determined the Commission's receivables are fully collectible. Accordingly, no allowance for doubtful accounts has been made.

**C. Capital Assets**

Capital assets are recorded at historical costs or at estimated historical cost if actual historical cost is not available. The Commission defines assets as assets with an initial, individual cost of more than \$1,000 for equipment/furniture and a useful life in excess of one year. Provision is made for depreciation by the straight-line method over estimated useful lives ranging from three to ten years for equipment.

**FIRST 5 YUBA**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2016**

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**Note 2: Summary of Significant Accounting Policies (continued)**

**D. State Funds Receivable**

This amount represents receivables from the State of California Children and Families Commission. Management has determined the Commission's receivables are fully collectible. Accordingly, no allowance for doubtful accounts has been made.

**E. Compensated Absences Payable**

The Commission accounts for compensated absences in accordance with Governmental Accounting Standards Board Statements No.16. Amounts of vested or accumulated vacation leave are not expected to be liquidated with expendable available financial resources are reported as a long-term liability in the government-wide financial statements. There is no payout of sick leave upon separation from the Commission.

**F. Net Position/ Fund Balances**

**Net Position**

The government-wide financial statements utilize a net position presentation. The net position is categorized as invested capital assets (net of related debt), restricted and unrestricted. The Commission has invested in capital assets, (net of related debt) and restricted funds.

***Invested in Capital Assets, Net of Related Debt*** – consists of capital assets, net of accumulated depreciation, reduced by the outstanding borrowing used for the acquisition, construction, or improvement of those assets.

***Restricted*** – This category presents external restrictions imposed by creditors, grantors, contributors or laws or regulations of other governments and restrictions imposed by the law through constitutional provisions or enabling legislation.

When both restricted and unrestricted resources are awarded, unrestricted resources are used only after restricted resources are depleted.

**Fund Balances**

The Government Accounting Standards Board (GASB) has issued Statement No. 54 *Fund Balance Reporting and Governmental Fund Type Definitions* (GASB 54) This Statement defines the different types of fund balances that a governmental entity must use for financial reporting purposes.

**FIRST 5 YUBA  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2016**

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**Note 2: Summary of Significant Accounting Policies (continued)**

**Fund Balances (continued)**

- **Nonspendable –**

This category includes elements of the fund balance that cannot be spent because of their form, or because they must be maintained intact. For example:

- Assets that will never convert to cash, such as prepaid items and inventories of supplies;
- Assets that will not convert to cash soon enough to affect the current period, such as non-financial assets held for resale; or
- Resources that must be held intact pursuant to legal or contractual requirements, such as revolving loan fund capital or the principal of an endowment.

- **Restricted –**

This category includes resources that are subject to constraints that are externally enforceable legal restrictions. Examples include:

- Funding from the State Commission or foundations that are legally restricted to specific uses. For example, funds advanced by First 5 CA under specific agreements for services, or matching funds for specific initiatives.
- Funds legally restricted by County, state, or federal legislature, or a government's charter or constitution.
- Amounts collected from non-spendable items, such as the long term portion of loan outstanding, if those amounts are also subject to legal constraints.
- Funding that has been designated for legally enforceable contracts but not yet spent. This includes multi-year contracts.

- **Committed –**

Two criteria determine the Agency's fund balance:

1. Use of funds is constrained by limits imposed by the government's highest level of decision making. The highest level of decision making for the District would be the Board of Directors.
2. Removal or modification of use of funds can be accomplished only by formal action of the authority (i.e., Board of Directors) that established the constraints.

**FIRST 5 YUBA  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2016**

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**Note 2: Summary of Significant Accounting Policies (continued)**

- **Committed (continued)**

Both commitments and modifications or removal must occur prior to the end of reporting period; that is, the fiscal year being reported upon. For First 5 organizations, resources in this category would include:

- Resources committed for a future initiative as long as commission action is also required to remove this commitment.
- Resources that have been committed by a commission for specific agreements that have not yet been executed, where commission action is also required to remove this commitment.
- Resources committed as the local match for a State Commission initiative.

- **Assigned –**

The assigned portion of the fund balance reflects a commission's intended use of resources, which is established either by the county First 5 Commission, a body created by the commission, such as a commission finance committee, or an official designated by the commission (e.g., an Executive Director). The "assigned" component is similar to the "committed" component, with two essential differences, shown in the following table:

Key Differences Between Committed and Assigned Fund Balance		
	Committed	Assigned
A decision to use funds for a specific purpose requires action of First 5 Commission	Yes	No
Formal action of Commission is necessary to impose, remove or modify this constraint and formal action has taken place before end of reporting period)	Yes	No

Another key difference is that the purpose of the assignment must be narrower than the fund itself. Consequently, tobacco tax revenues would not automatically be placed in the "committed" component. Resources that fit into this category include:

- Appropriation of a portion of existing fund balance sufficient to eliminate a projected deficit in the subsequent year's budget, where the Executive Director may decide whether to use the entire amount.
- Resources assigned to a specific program or project or organization for which the commission has approved a plan or budget
- Resources approved by a commission for a long range financial plan where formal approval is not required to modify the amount.

**FIRST 5 YUBA**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2016**

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**Note 2: Summary of Significant Accounting Policies (continued)**

- **Assigned (continued)**

First 5 Yuba can assign amounts under this category, and may also authorize the Executive Director to assign amounts under this category when that decision is consistent with the approved long term financial plan.

- **Unassigned –**

This category includes the fund balance that cannot be classified into any of the other categories.

If situations arise where there is a possibility of assignment into more than one category, the committed amount will be reduced first, followed by assigned amounts and then unassigned amounts.

**D. Use of Estimates**

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

**Note 3: Credit Risk, Carrying Value and Market Value of Investments**

All cash at June 30, 2016 is pooled for investment purposes and held by the County of Yuba. The Yuba County Treasury is an external investment pool for the Commission and the Commission is considered an involuntary participant. The investments made by the Treasurer are regulated by the California Government Code and by the County's investment policy. The County established a treasury oversight committee to monitor and review the management of public funds maintained in the investment pool in accordance with Article 6 Section 27131 of the California Government Code. The oversight committee and the Board of Supervisors review and approve the investment policy annually. The County Treasury is accountable to the County Treasury Oversight Committee. The Commission's fair value portion in the pool is the same as the Commission's pool share.

The Commission deposits all funds in interest bearing accounts with Yuba County. The Commission does not own any specific identifiable investments in the pool. Information regarding categorization of cash and investments held in the County can be found in the County of Yuba's financial statements.

**FIRST 5 YUBA**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2016**

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**Note 3: Credit Risk, Carrying Value and Market Value of Investments (continued)**

The fair value of cash was the same as the carrying value; therefore no adjustment was made for GASB 31 compliance.

Pooled Investments:	Carrying Amount
Yuba County	<u>\$2,657,344</u>

**Note 4: Capital Assets**

There were no changes in capital assets for the year ended June 30, 2016:

	Balance July 1, 2015	Additions	Retirements	Balance June 30, 2016
Equipment	\$ 4,797	\$ --	\$ --	\$ 4,797
Less accumulated depreciation	<u>(4,797)</u>	<u>--</u>	<u>--</u>	<u>(4,797)</u>
Capital Assets, Net	<u>\$ --</u>	<u>\$ --</u>	<u>\$ --</u>	<u>\$ --</u>

**Note 5: Compensated Absences Payable**

Commission employees have accumulated unpaid benefits for compensatory time-off and vacation earned. The Commission also has accumulated unpaid benefits for sick leave. Sick leave is payable at 25% when the employee retires. The accumulated benefits will be liquidated in future years as employees elect to use them or payable upon retirement. In the normal course of business, all payments of these accumulated benefits will be funded from appropriations of the year in which they are to be paid; therefore, the total liability is recorded as long-term. The total at June 30, 2016 was \$12,247.

**Note 6: Related Party Transactions**

During the fiscal year ended June 30, 2016, the Commission paid the County of Yuba, a related party, \$18,785 for accounting and administrative services.

**Note 7: Operating Leases**

The commission leases office space under an operating lease agreement that expired in June 2015 and was renewed for one more year. The minimum monthly rental is subject to adjustment as of the anniversary date (June 1) each year based upon the Consumer Price Index. Total rent charged to operations for the year ended June 30, 2016 was \$9,670.

**FIRST 5 YUBA**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2016**

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**Note 8: Defined Benefit Pension Plan**

The Commission contracts with the County of Yuba for personnel. As such, the employees are the employees of the County and not the Commission directly. All full-time employees of the Commission participate as County employees in which the County contributes to the California Public Employees' Retirement System (PERS), an agent multiple-employer public employee defined benefit pension plan. PERS provides retirement and disability benefits, annual cost-of-living adjustments, and death benefits to plan members and beneficiaries. PERS acts as a common investment and administrative agent for participation public entities within the State of California. Benefit provisions and all other requirements are established by state statute. Copies of PERS' annual financial reports may be obtained from their Executive Office located at 400 P Street, Sacramento, California 95814.

**Funding Policy -**

County employees are required by state statute to contribute 7.0% for miscellaneous employees of their annual covered salary. The County is required to contribute remaining amounts necessary to fund the benefits for the actuarial members, using the actuarial basis recommended by CalPERS actuaries and actuarial consultants and adopted by CalPERS Board of Administration. For the fiscal year ended June 30, 2016, the employer contribution rate was 16.71% for the miscellaneous plan. The County makes the contributions required of County employees on their behalf and for their account. All of the Commission's employees are classified as members of the County's miscellaneous plan.

**Annual Pension Cost**

The Commission reimbursed the County for the employee contributions of \$10,791 in FY 2015-2016 or 7.0% of annual covered payroll and the employer's contribution of \$24,598 or 15.956% of annual covered payroll.

**Three-Year Trend Information for PERS**

Fiscal Year Ended	Annual Pension Cost (APC)	Percentage of APC Contributed	Net Pension Obligation
06/30/12	\$17,927	100%	--
06/30/13	\$16,012	100%	--
06/30/14	\$23,212	100%	--
06/30/15	\$24,598	100%	--
06/30/16	\$22,405	100%	--

**FIRST 5 YUBA**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2016**

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**Note 9: Risk Management**

The Commission is exposed to various risks of loss related to torts; theft of, damage to, or destruction of assets; errors or omissions, injuries to employees, employee's health; and natural disasters. The Commission has insurance policies with a private insurance company with the following policies:

General Liability  
Crime Bond  
Property Insurance

The County of Yuba is a member of the California State Association of Counties Excess Insurance Authority (CSAC EIA). CSAC EIA is a member-directed risk sharing pool counties and public entities committed to providing risk coverage programs and risk management services. The Commission is covered under the policy of the County of Yuba. The County of Yuba has the following coverage through the risk pool - Excess and Primary Workers' Compensation

Management believes such coverage is sufficient to preclude any significant uninsured losses to the Commission.

**Note 10: Program Evaluation and Cost Allocation**

The Commission spent \$93,150 on program evaluation during the fiscal year ended June 30, 2016. \$43,974 was used for salaries and benefits and overhead, and \$49,176 was paid to a vendor.

The Commission separates costs into functional categories; Program, Administrative, and Evaluation. Direct expenses to the programs, administration and evaluation are classified accordingly. Personnel costs are allocated to the functions based upon functional timesheets. Indirect costs are allocated to functions based upon the weighted average of direct personnel costs. The allocated costs were as follows:

	General Fund
Program	\$ 989,187
Administrative	128,924
Evaluation	<u>93,150</u>
TOTAL	<u>\$ 1,211,261</u>

**FIRST 5 YUBA  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2016**

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**Note 11: Section 30131.4 of the California Tax & Revenue Code Certification**

The Commission has certified that the supplant requirement stated in Section 30131.4 of the California Tax & Revenue Code has been met.

**Note 12: Contingent Liabilities**

The Commission receives funding from the State of California Proposition 10, the Children and Families First Act, to fund programs that promote, support, and improves the early development of children from prenatal through age five. These programs must be in compliance with applicable laws and may be subject to financial and compliance audits by the State. The amount, if any, of expenditures which may be disallowed by the State cannot be determined at this time, although the County's management does not expect such amounts, if any, to be material.

**Note 13: Subsequent Events**

Events subsequent to June 30, 2016 have been evaluated through October 17, 2016, the date at which the Commission's audited financial statements were available to be issued. No events requiring disclosure have occurred through this date.

## **REQUIRED SUPPLEMENTARY INFORMATION**

**FIRST 5 YUBA**  
**BUDGETARY COMPARISON SCHEDULE**  
**BUDGET AND ACTUAL - NON-GAAP BASIS**  
**FOR THE YEAR ENDED JUNE 30, 2016**

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	Original Budget	Final Budget	Actual Amount	Variance With Final Budget
<b><u>Resources (Inflows)</u></b>				
Operating Grants, Support and Contributions:				
Prop 10 Apportionment	\$ 805,385	\$ 783,594	\$ 851,978	\$ 68,384
SMIF and Other Revenues	200	200	2,856	2,656
Interest Income	5,500	4,000	21,893	17,893
Total revenues	<u>811,085</u>	<u>787,794</u>	<u>876,727</u>	<u>88,933</u>
<b><u>Charges to Appropriations (Outflows)</u></b>				
<b>Salaries and Employee Benefits</b>	244,762	250,506	193,297	(57,209)
<b>Operating Expenses</b>				
Insurance	3,310	3,310	3,310	-
Memberships	2,900	3,900	3,625	(275)
Office Expenses	5,000	8,000	8,689	689
Professional Fees	16,000	22,300	18,785	(3,515)
Advertising and Publications	2,000	500	161	(339)
Occupancy	9,250	9,700	9,670	(30)
Special Department Expense	2,974	7,000	7,366	366
Transportation and Travel	1,000	2,000	1,747	(253)
A-87 County Fees	33,223	33,223	33,223	-
<b>Total Operating Expenses</b>	<u>75,657</u>	<u>89,933</u>	<u>86,576</u>	<u>(3,357)</u>
<b>Program Expenses</b>				
Contracts and Grants	818,200	921,407	831,551	(89,856)
<b>Evaluation</b>	30,000	49,176	49,176	-
Total Expenditures	<u>1,168,619</u>	<u>1,311,022</u>	<u>1,160,600</u>	<u>(150,422)</u>
Deficiency (Excess) of Revenues over Expenditures	<u>\$ (357,534)</u>	<u>\$ (523,228)</u>	<u>\$ (283,873)</u>	<u>\$ (239,355)</u>

**Reconciliation to GAAP Basis**

Budget Basis	\$ (283,873)
Change in Contract Advances	(50,661)
GAAP Basis	<u>\$ (334,534)</u>

See Accompanying Auditor's Report

**FIRST 5 YUBA**  
**NOTES TO REQUIRED SUPPLEMENTARY INFORMATION**  
**JUNE 30, 2016**

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**BUDGET AND BUDGETARY ACCOUNTING**

The Commission prepares and legally adopts a final budget on or before August 30<sup>th</sup> of each fiscal year. The Commission's operations, commencing July 1<sup>st</sup>, is governed by the proposed budget, adopted by the Board of Commissioners in June of the prior fiscal year.

After the budget is approved, the appropriations can be added to, subtracted from or changed only at a formal public meeting. All such changes must be within the revenues and reserves estimated as available in the final budget or within revised estimates as approved by the Commission.

An operating budget is adopted each fiscal year using the cash basis of accounting. Additionally, encumbrance accounting is utilized to assure effective budgetary control. Encumbrances outstanding at year-end represent the estimated amount of the expenditures ultimately to result if the unperformed contracts in process at year-end are completed or purchase commitments satisfied.

The budget is adopted on the cash basis of accounting which is an other comprehensive basis of accounting. A reconciliation between the cash basis budget and the fund financial statements prepared on the modified consistent with generally accepted accounting principles.

## **OTHER SUPPLEMENTARY INFORMATION**

**FIRST 5 YUBA**  
**SCHEDULE OF EXPENDITURES BY FUND SOURCE**  
**NET POSITION OF CALIFORNIA CHILDREN AND FAMILIES COMMISSION**  
**FUNDS FOR FIRST 5 PROGRAMS AND ACTIVITIES**  
**FOR THE YEAR ENDED JUNE 30, 2016**

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		Revenue		Expenditures		Change in	Net Position	Net Position	
		CCFC				Net	Beginning	End of Year	
		Funds				Position	of Year		
CARES Plus	CCFC Funds **	\$	--	\$	--	\$	--	\$	--
	Local Match				18,699				

\*\* The CARES Plus program is administered directly through the County of Yuba's Office of Education. The local Commission, First 5 Yuba, provides the matching funds for the CARES Plus program as reported above.

**FIRST 5 YUBA  
SCHEDULE OF THE STATUS OF PRIOR AUDIT FINDINGS  
YEAR ENDED JUNE 30, 2016**

**09-01 and 15-01 Reliance upon Auditor for Reporting and Footnote Disclosures.**

**Condition:** Currently, the Commission relies on the external auditors to ensure its financial statements are in accordance with generally accepted accounting principles (GAAP). This is a repeat finding from the prior year.

**Recommendation:** The Commission may consider the following possible actions:

- Provide training opportunities for its accounting staff that would enable them to become more familiar with the general disclosure requirements. This training should include, but is not limited to, the usage of a disclosure checklist, which provides guidance to the financial statement's content and whether a necessary disclosure has been overlooked.
- Hire an external Certified Public Accountant to confirm that the financial statements and related disclosures are in accordance with GAAP.
- Take no action. The Commission may find that the costs outweigh the benefits to adhere to this standard. No action will result in a significant deficiency in the Commission's internal controls over the preparation of the financial statements.

**Response:** The Commission has determined that the costs outweigh the benefits to adhere to this standard and elects to take no specific action at this time. This deficiency has occurred in past years and the Commission determined the cost of providing training to staff or hiring external Certified Public Accountant (CPA) to confirm the financial statements and related disclosures are in accordance with GAAP are *not* cost effective.

The Commission staff will continue to reconcile internal records against the Yuba County Auditor-Controller's financial statements for compliance with GAAP and GASB standards. The Commission will continue to review and discuss this repeat audit finding at their annual audit public meetings. Specific Commission agendas and minutes of these public meetings will be provided within two weeks to the State Controller's Office as required by Health and Safety Code section 130151(d).

The above response is consistent with the GFOA's (Government Finance Officers Association) Recommended Practice: "The GFOA does not recommend that governments engage the services of a second accounting firm to assist in preparing its financial statements solely to avoid having a significant deficiency or material weakness reported."

**Criteria:** Auditing standards require that when an entity cannot draft its own financial statements; there may be a material weakness or significant deficiency. External auditors cannot be part of the Commission's internal controls, including controls over the preparation of the financial statements, and are prohibited from auditing their own work as doing so impairs their independence.

The Commission should have the capacity to prepare full disclosure financial statements in accordance with generally accepted accounting standards.

**Status:** Corrected

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**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER  
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS  
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN  
ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

Board of Commissioners  
First 5 Yuba  
Marysville, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of First 5 Yuba (Commission) as of and for the year ended June 30, 2016 and the related notes to the financial statements which collectively comprise the Commission's basis financial statements and have issued our report thereon dated October 17, 2016.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Commission's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency or a combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all

deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

#### Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Commission's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

#### Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Jensen Smith  
Certified Public Accountants, Inc.  
Lincoln, California  
October 17, 2016

P.O. Box 160  
Lincoln, CA 95648  
Office (916) 434-1662  
Fax (916) 434-1090

## INDEPENDENT AUDITOR'S REPORT ON STATE COMPLIANCE

Board of Commissioners  
First 5 Yuba  
Marysville, California

### Compliance

We have audited the First 5 Yuba's (Commission) compliance with the requirements specified in the State of California's *Standards and Procedures for Audits of Local Entities Administering the California Children and Families Act*, issued by the State Controller's Office, applicable to the Commission's statutory requirements identified below for the year ended June 30, 2016.

### Management's Responsibility

Management is responsible for compliance with the requirements of the laws and regulations applicable to the California Children and Families Act.

### Auditor's Responsibility

Our responsibility is to express an opinion on the Commission's compliance with the requirements referred to above, based on our audit. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, and the State of California's *Standards and Procedures for Audits of Local Entities Administering the California Children and Families Act*, issued by the State Controller's Office. Those standards and the State of California's *Standards and Procedures for Audits of Local Entities Administering the California Children and Families Act* require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the requirements referred to above that could have a direct and material effect on the statutory requirements listed below occurred. An audit includes examining on a test basis, evidence about the Commission's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance. However, our audit does not provide a legal determination of the Commission's compliance with those requirements. In connection with the audit referred to above, we

selected and tested transactions and records to determine the Commission's compliance with the state laws and regulations applicable to the following items:

<u>Description</u>	<u>Audit Guide Procedures</u>	<u>Procedures Performed</u>
Contracting and Procurement	6	Yes
Administrative Costs	3	Yes
Conflict of Interest	3	Yes
County Ordinance	4	Yes
Long-range Financial Plans	2	Yes
Financial Condition of the Commission	1	Yes
Program Evaluation	3	Yes
Salaries and Benefit Policies	2	Yes

Opinion

In our opinion, First 5 Yuba complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on the California Children and Families Program for the year ended June 30, 2016.



Jensen Smith  
 Certified Public Accountants, Inc.  
 Lincoln, California  
 October 17, 2016

P.O. Box 160  
Lincoln, CA 95648  
Office (916) 434-1662  
Fax (916) 434-1090

October 17, 2016

Board of Commissioners  
First 5 Yuba  
Marysville, California

Dear Ladies and Gentlemen,

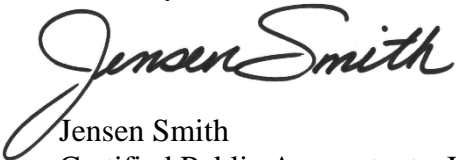
Thank you for your confidence in choosing us for your auditing needs.

In planning and performing our audit of the financial statements of First 5 Yuba (the Commission) for the year ended June 30, 2016, we considered the Commission's internal control in order to determine our auditing procedures for the purpose of expressing an opinion on the financial statements but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control.

A separate report dated October 17, 2016 contains our report on the Commission's internal control. This letter does not affect our report dated October 17, 2016, on the financial statements of the Commission.

We wish to thank your Director and staff for their assistance in completing the audit and researching our questions. We appreciated how well organized your staff is and how quickly they responded to our inquiries. It was a pleasure to work with you and we look forward to working with you again next year. We wish you success for the fiscal year 2016-2017.

Sincerely,



Jensen Smith

Certified Public Accountants, Inc.

501-1116

Val (501-1116) Notic... - 1 of 30  
Sacramento, CA 95814  
(916) 653-4899  
www.fgc.ca.gov

**Commissioners**  
**Eric Sklar, President**  
Saint Helena  
**Jacque Hostler-Carmesin, Vice President**  
McKinleyville  
**Anthony C. Williams, Member**  
Huntington Beach  
**Russell E. Burns, Member**  
Napa  
**Peter S. Silva, Member**  
Chula Vista

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

November 1, 2016

**RECEIVED**

NOV 04 2016

TO ALL AFFECTED AND INTERESTED PARTIES:

Clerk/Board of Supervisors

This is to provide you with a Notice of Findings regarding Livermore tarplant (*Deinandra bacigalupii*) which will be published in the California Regulatory Notice Register on November 4, 2016.

Sincerely,

A handwritten signature in cursive script that reads "Sheri Tiemann".

Sheri Tiemann  
Associate Governmental Program Analyst

Attachment

## NOTICE OF FINDINGS

### Livermore tarplant

#### *(Deinandra bacigalupii)*

**NOTICE IS HEREBY GIVEN** that the California Fish and Game Commission (Commission), at its meeting in Folsom, California on August 25, 2016, made a finding pursuant to Fish and Game Code Section 2075.5, that the petitioned action to add the Livermore tarplant (*Deinandra bacigalupii*) to the list of endangered species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) is warranted. (See also Cal. Code Regs., tit. 14, § 670.1, subd. (i).)

NOTICE IS ALSO GIVEN that, at its October 20, 2016, meeting in Eureka, California, the Commission adopted the following findings outlining the reasons for its listing decision.

### **I. Background and Procedural History**

#### **Petition History**

On August 26, 2014, the Commission received the "A Petition to the State of California Fish and Game Commission" to list the species identified as the Livermore tarplant (*Deinandra bacigalupii*) as an endangered species (Petition). The Petition was submitted by Heath Bartosh (Petitioner).

Commission staff transmitted the Petition to the Department of Fish and Wildlife (Department) pursuant to Fish and Game Code Section 2073 on August 28, 2014, and the Commission published formal notice of receipt of the Petition on September 12, 2014 (Cal. Reg. Notice Register 2014, No. 37-Z, p. 1627). On October 8, 2014, Commission staff provided a copy of the Petition to the Commission pursuant to Title 14, California Code of Regulations, Section 670.1. On November 24, 2014, the Department requested a 30-day extension pursuant to Fish and Game Code Section 2073.5 to allow the Department to complete its analysis. After evaluating the Petition and other relevant information the Department possessed or received, the Department determined that based on the information in the Petition, there was sufficient scientific information to indicate that the petitioned action may be warranted, and recommended the Commission accept the Petition. On April 9, 2015, the Commission voted to accept the Petition and initiate a review of the species' status in California. Upon publication of the Commission's notice of determination, the Livermore tarplant was designated a candidate species on April 24, 2015 (Cal. Reg. Notice Register 2015, No. 17-Z, p. 656).

Following the Commission's designation of the Livermore tarplant as a candidate species, the Department notified affected and interested parties and solicited data and comments on the petitioned action pursuant to Fish and Game Code Section 2074.4. (see also Cal. Code Regs., tit. 14, § 670.1(f)(2).) Subsequently, the Department reviewed the species' status. On April 11, 2016, the Department Director delivered a report on the status review to the Commission

pursuant to Fish and Game Code Section 2074.6, including a recommendation that, based upon the best scientific information available to the Department, the petitioned action is warranted.

On August 25, 2016, at its meeting in Folsom, California, the Commission took up consideration of the Petition and received public testimony on the matter. The Commission voted to add the Livermore tarplant to the list of threatened species. The Commission directed its staff, in coordination with the Department, to prepare findings of fact consistent with the Commission's determination and to present those findings for consideration and ratification at the Commission's October 20, 2016, meeting in Eureka, California.

### **Species Description**

Livermore tarplant is an herbaceous plant of the sunflower family (*Asteraceae*) that grows to a height of 3.9 to 15.7 inches (10 to 40 centimeters). The Livermore tarplant was described as a new species in 1999. The leaves and parts of the stems, flowers, and flower heads of Livermore tarplant have minutely-stalked yellowish or clear glands that are sticky and give the plant a strong odor.

There are four known occurrences of Livermore tarplant, all restricted to the eastern portion of the Livermore Valley, within the City of Livermore and unincorporated Alameda County, California. Livermore tarplant grows in poorly-drained, seasonally-dry, alkaline meadows in the vicinity of barren alkali scalds, alkali vernal pools and playa-like pools.

### **Federal Status**

The Livermore tarplant is not protected pursuant to the federal Endangered Species Act (16 U.S.C. §§ 1531 et seq.).

## **II. STATUTORY AND LEGAL FRAMEWORK**

The Commission, as established by the California Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and candidate species under CESA. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070.) The Commission has prepared these findings as part of its final action under CESA regarding the Petition to designate Livermore tarplant as an endangered species under CESA. As set forth above, the Commission's determination that listing Livermore tarplant is warranted marks the end of formal administrative proceedings under CESA. (See generally Fish & G. Code, § 2070 et seq.; Cal. Code Regs., tit. 14, § 670.1.)

The CESA listing process for Livermore tarplant began in the present case with the Petitioner's submittal of the Petition to the Commission on August 26, 2014 (Cal. Reg. Notice Register 2014, No. 37-Z, p. 1627). Pursuant to Fish and Game Code Section 2073, on August 28, 2014, the Commission transmitted the petition to the Department for review pursuant to Fish and Game Code Section 2073.5. The regulatory process that ensued is described in some detail in the preceding section above, along with related references to the Fish and Game Code and

controlling regulation. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

- *Mountain Lion Foundation v. California Fish and Game Commission* (1997) 16 Cal.4<sup>th</sup> 105, 114-116;
- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535, 1541-1542;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, 600; and
- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104, 1111-1116.

The "is warranted" determination at issue here for Livermore tarplant stems from Commission obligations established by Fish and Game Code Section 2075.5(e). Under this provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process; namely, whether the petitioned action is warranted or is not warranted. Here, with respect to Livermore tarplant, the Commission made the finding under Section 2075.5(e)(2) that the petitioned action is warranted.

The Commission was guided in making these determinations by statutory provisions and other controlling law. The Fish and Game Code, for example, defines an endangered species under CESA as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease." (Fish & G. Code, § 2062.) Similarly, the Fish and Game Code defines a threatened species under CESA as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter." (*Id.*, § 2067.)

The Commission also considered Title 14, Section 670.1, subdivision (i)(1)(A), of the California Code of Regulations in making its determination regarding Livermore tarplant. This provision provides, in pertinent part, that a species shall be listed as endangered or threatened under CESA if the Commission determines that the species' continued existence is in serious danger or is threatened by any one or any combination of the following factors:

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human-related activities.

Fish and Game Code Section 2070 provides similar guidance. This section provides that the Commission shall add or remove species from the list of endangered and threatened species under CESA only upon receipt of sufficient scientific information that the action is warranted. Similarly, CESA provides policy direction not specific to the Commission per se, indicating that all state agencies, boards, and commissions shall seek to conserve endangered and threatened species and shall utilize their authority in furtherance of the purposes of CESA. (Fish & G. Code, § 2055.) This policy direction does not compel a particular determination by the Commission in the CESA listing context. Nevertheless, "[l]aws providing for the conservation of natural resources' such as the CESA 'are of great remedial and public importance and thus should be construed liberally.'" (*California Forestry Association v. California Fish and Game Commission*, supra, 156 Cal. App.4th at pp. 1545-1546, citing *San Bernardino Valley Audubon Society v. City of Moreno Valley* (1996) 44 Cal.App.4th 593, 601; Fish & G. Code, §§ 2051, 2052.)

Finally in considering these factors, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party. (See, e.g., Id., §§ 2071, 2074.4, 2078; Cal. Code Regs., tit. 14, § 670.1, subd. (h).) The related notice obligations and public hearing opportunities before the Commission are also considerable. (Fish & G. Code, §§ 2073.3, 2074, 2074.2, 2075, 2075.5, 2078; Cal. Code Regs., tit. 14, § 670.1, subds. (c), (e), (g), (i); see also Gov. Code, § 11120 et seq.) All of these obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including an initial evaluation of the petition and a related recommendation regarding candidacy, and a 12-month status review of the candidate species culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science. (Fish & G. Code, §§ 2073.4, 2073.5, 2074.4, 2074.6; Cal. Code Regs., tit. 14, § 670.1, subds. (d), (f), (h).)

### **III. Factual and Scientific Bases for the Commission's Final Determination**

The factual and scientific bases for the Commission's determination that designating the Livermore tarplant as an endangered species under CESA is warranted are set forth in detail in the Commission's record of proceedings. The evidence in the administrative record in support of the Commission's determination includes, but is not limited to, the Petition, the Department's Petition Evaluation Report, the Department's status review, and other evidence included in the Commission's administrative record as it exists up to and including the Commission meeting in Folsom, California on August 25, 2016. The administrative record also includes these findings.

The Commission determines that the continued existence of Livermore tarplant in the State of California is in serious danger or threatened by one or a combination of the following factors as required by the California Code of Regulations, Title 14, Section 670.1, subdivision (i)(1)(A):

1. Present or threatened modification or destruction of its habitat;
2. Competition; or
3. Other natural occurrences or human-related activities.

The Commission also determines that the information in the Commission's record constitutes the best scientific information available and establishes that designating the Livermore tarplant as an endangered species under CESA is warranted.

The items highlighted here and detailed in the following section represent only a portion of the complex issues aired and considered by the Commission during the CESA listing process for Livermore tarplant. Similarly, the issues addressed in these findings represent some, but not all of the evidence, issues, and considerations affecting the Commission's final determination. Other issues aired before and considered by the Commission are addressed in detail in the record before the Commission, which record is incorporated herein by reference.

All populations of Livermore tarplant occur within the immediate vicinity of urban development. Livermore tarplant is threatened, both directly and indirectly, by recent and ongoing development and changes in land use, impacts from invasive species, recreation activities, and herbicide use. Ground-disturbing impacts from grazing and impacts from thatch accumulation in areas that are not grazed are also potential threats to Livermore tarplant. It is unclear how climate change will affect Livermore tarplant. Livermore tarplant is also vulnerable to extinction due to the small number of Livermore tarplant populations and the relatively small sizes of those populations. Because of the rarity of Livermore tarplant, the loss of all or a significant portion of any Livermore tarplant population would represent the loss of a significant portion of Livermore tarplant's total range.

### **Threats**

#### **Present or Threatened Modification or Destruction of Habitat**

The habitats in the Livermore Valley have been impacted by a history of modification and destruction from development, grazing, and other land use. Evaluation of soil maps and aerial imagery show that these activities have almost certainly resulted in the loss of Livermore tarplant habitat. Current land use practices, zoning, and designations have led to recent and severe habitat modification and destruction that is likely to lead to the extirpation of a significant portion of Livermore tarplant's range, and the modification and destruction of habitat is likely to continue into the future. In addition, recreation activities within and in the vicinity of Livermore tarplant populations have resulted in habitat degradation that is evident on the ground and visible from aerial imagery. The modification and destruction of habitat is a significant threat to the continued existence of Livermore tarplant.

### **Competition**

Invasive plant species have been documented to pose serious threats to biodiversity around the world, and are a particularly pervasive problem in Mediterranean-type habitats like those in California. Invasive thatch-forming grasses, and other invasive plants such as perennial pepperweed, occur within and in close proximity to all Livermore tarplant populations. Invasive plant species are a significant threat to the continued existence of Livermore tarplant.

### **Other Natural Occurrences or Human-related Activities**

The climate of California is certain to change due to warming of the global climate system; however, it is unclear how such changes will affect Livermore tarplant. Livermore tarplant has a narrow distribution and few populations, with three of the four known populations occupying relatively small areas. Livermore tarplant's rarity and extremely limited distribution, and its occurrence only in and near developed areas, make the species very vulnerable to stochastic (chance) events such as droughts, wildfires, and accidents, and to all other threats. Therefore, the loss of all or a significant portion of any Livermore tarplant population would represent the loss of a significant portion of Livermore tarplant's total range. Livermore tarplant is also threatened by herbicide application and other right-of-way maintenance activities.

### **IV. FINAL DETERMINATION BY THE COMMISSION**

The Commission has weighed and evaluated the information for and against designating Livermore tarplant as an endangered species under CESA. This information includes scientific and other general evidence in the Petition, the Department's Petition Evaluation Report, the Department's 2016 peer-reviewed Status Review, the Department's related recommendations, and other evidence included in the Commission's record of proceedings.

Based upon the evidence in the record the Commission has determined that the best scientific information available indicates that the continued existence of Livermore tarplant is in serious danger or threatened by present or threatened modifications or destruction of the species' habitat, predation, competition, disease, or other natural occurrences or human-related activities, where such factors are considered individually or in combination. (See generally Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1)(A); Fish & G. Code, §§ 2062, 2067.) The Commission determines that there is sufficient scientific information to indicate that designating Livermore tarplant as an endangered species under CESA is warranted at this time and that with adoption and publication of these findings Livermore tarplant for purposes of its legal status under CESA and further proceedings under the California Administrative Procedure Act, shall be listed as endangered.

501-1116

**Commissioners**  
**Eric Sklar, President**  
Saint Helena

**Jacque Hostler-Carmesin, Vice President**  
McKinleyville

**Anthony C. Williams, Member**  
Huntington Beach

**Russell E. Burns, Member**  
Napa

**Peter S. Silva, Member**  
Chula Vista

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

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NOV 04 2016

Clerk/Board of Supervisors

November 1, 2016

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Findings regarding the Townsend's big-eared bat (*Corynorhinus townsendii*) which will be published in the California Regulatory Notice Register on November 4, 2016.

Sincerely,

  
Sheri Tiemann

Associate Governmental Program Analyst

Attachment

**NOTICE OF FINDINGS**  
**Townsend's Big-Eared Bat**  
**(*Corynorhinus townsendii*)**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), at its August 25, 2016 meeting in Folsom, California, made a finding pursuant to Fish and Game Code Section 2075.5, that the petitioned action to add the Townsend's big-eared bat (*Corynorhinus townsendii*) to the list of threatened or endangered species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) is not warranted. (See also Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1).)

NOTICE IS ALSO GIVEN that, at its October 20, 2016 meeting in Eureka, California, the Commission adopted the following findings outlining the reasons for its rejection of the petition.

**I. BACKGROUND AND PROCEDURAL HISTORY**

**Petition History**

The Center for Biological Diversity (Petitioner) submitted a petition (Petition) to the Commission on November 1, 2012 to list the Townsend's big-eared bat (*Corynorhinus townsendii*) as threatened or endangered pursuant to the California Endangered Species Act (CESA). The Commission referred the Petition for evaluation to the California Department of Fish and Wildlife (Department) on November 9, 2012 pursuant to Fish and Game Code Section 2073, and published formal notice of receipt of the Petition on November 30, 2012 (Cal. Reg. Notice Register 2012, No. 48-Z, p. 1747).

The Department evaluated the Petition, using the information in that document and other relevant information available at that time, and found that the scientific information presented in the Petition was sufficient to indicate that the petitioned action may be warranted. On April 25, 2013 the Department submitted to the Commission its "Evaluation of the Petition from Center for Biological Diversity to List Townsend's Big-Eared Bat (*Corynorhinus townsendii*) as Threatened or Endangered Under the California Endangered Species Act" (Petition Evaluation). The Department recommended that the Commission accept the Petition pursuant to Fish and Game Code Section 2073.

On June 26, 2013, at its meeting in Sacramento, California, the Commission considered the Petition, the Department's Petition Evaluation, and public comments, and determined that there was sufficient information in the Petition Evaluation to indicate

that the petitioned action maybe warranted, accepted for consideration the Petition, and designated the Townsend's big-eared bat as a candidate species under CESA. (Cal. Reg. Notice Register 2013, No. 52-Z, p. 2092.)

The Department notified affecting parties by issuing a press release, posting notice on the Department's website, and sending targeted letters to stakeholder groups. (Fish & G. Code, § 2074.4.) Consistent with Fish and Game Code Section 2074.6 and its implementing regulations, the Department commenced twelve-month status review of the Townsend's big-eared bat following published notice of its designation as a candidate species under CESA. As an integral part of that effort, the Department solicited data, comments, and other information from interested members of the public and the scientific and academic communities. The Department mailed notice of the Townsend's big-eared bat's candidacy and a request for information and comments to approximately 150 persons or offices of state and federal agencies, tribes, counties, industry, and non-governmental organizations. The Department received letters or emails from 39 individuals and organizations. Most of these communications provided information on Townsend's big-eared bat occurrences in or near public and private lands. A few, including a letter from the Petitioner, argued in support of listing the species as threatened or endangered.

At its meeting on December 3, 2014 in Van Nuys, California, the Commission granted CDFW a six-month extension to facilitate external peer review. On January 7, 2016, the Department submitted a preliminary draft of its status review for independent scientific peer review by a number of individuals acknowledged to be experts on Townsend's big-eared bat, possessing the knowledge and expertise to critique the scientific validity of the report. (Fish & G. Code, § 2074.8; Cal. Code Regs., tit. 14, § 670.1, subd. (f)(2).) On June 15, 2016, the Department submitted its final "Status Review of Townsend's Big-eared Bat (*Corynorhinus townsendii*) in California" to the Commission (Status Review). Based on its Status Review and the best available science, the Department recommended to the Commission that designating Townsend's big-eared bat as a threatened or endangered species under CESA is not warranted. (Fish & G. Code, § 2074.6; Cal. Code Regs., tit. 14, § 670.1, subd. (f).) Following receipt, the Commission made the Department's Status Review available to the public, inviting further review and input. (Cal. Code Regs., tit. 14, § 670.1, subd. (g).)

On August 25, 2016, at its meeting in Folsom, California, the Commission received public comment, accepted additional information from the Petitioner and the public, and considered final action regarding the Petition to designate Townsend's big-eared bat as a threatened or endangered species under CESA. (Fish & G. Code, § 2075.5; Cal. Code Regs., tit. 14, § 670.1, subd. (i).) After receiving public comment, the Commission

closed the administrative record of proceedings for the Petition. (Fish & G. Code, § 2075.5, subd. (a).) The Commission considered the Petition, further information submitted by the Petitioner, public comment, the Department's 2013 Petition Evaluation, the Department's 2016 Status Review, and other information included in the Commission's administrative record of proceedings. Following public comment and deliberation, the Commission determined, based on the best available science, that designating Townsend's big-eared bat as a threatened or endangered species under CESA is not warranted. (Fish & G. Code, § 2075.5, subd. (e)(1); Cal. Code Regs., tit. 14, § 670.1, subd. (i)(2).) The Commission directed its staff, in coordination with the Department, to prepare findings of fact consistent with the Commission's determination and to present those findings for consideration and ratification at the Commission's October 20, 2016 meeting in Eureka, California.

### **Species Description**

Townsend's big-eared bat is a medium sized bat (Barbour and Davis 1969, Kunz and Martin 1982). Among western North American bats, Townsend's big-eared bat is unique with its combination of a two-pronged, horseshoe-shaped lump on the muzzle and large, long ears. Townsend's big-eared bat ranges throughout much of the western United States and Canada. In California, its geographic range is generally considered to encompass the entire state, except for the highest elevations of the Sierra Nevada (Dalquest 1947, Pierson and Rainey 1998, Pierson and Fellers 1998, Szewczak et al. 1998). Townsend's big-eared bat is a colonial species. Maternity colonies form between March and June, with the timing varying based on local climate, elevation, and latitude. Colonies typically range from a few dozen to several hundred individuals, although colonies of over 1,000 have been documented. A single pup is born between May and July (Easterla 1973, Pearson et al. 1952, Twente 1955). While adult males are typically solitary during the maternity season, adult females and their pups cluster together in colonial roosts (Pearson et al. 1952). Nursery colonies typically begin to disperse in August about the time the young are weaned and break up altogether in September and October (Pearson et al. 1952, Tipton 1983). Maximum fecundity per adult female is one pup per year.

Once a roost site has been successfully colonized by Townsend's big-eared bat (whether for the warm or hibernation season), it is likely to be used in subsequent years, so long as it remains suitable (Humphrey and Kunz 1976). However, it is not unusual for individuals to move among multiple maternity colonies and even for entire maternity colonies to switch roosts during the course of the season (Fellers and Pierson 2002, Sherwin et al. 2000, 2003). Some roosts are only used for short periods of time or during occasional years. Townsend's big-eared bat's perceived susceptibility to human

disturbance at roost sites is usually cited as a key behavioral characteristic putting the species at conservation risk (Twente 1955, Barbour and Davis 1969, Humphrey and Kunz 1976). Roost abandonment (sometimes resulting in death of pups) has been documented following human entry into roosts.

Diet of Townsend's big-eared bat has not been examined in detail in California; however, it is likely that as elsewhere they are lepidopteran specialists, feeding primarily on medium-sized moths, supplemented with occasional captures of other insects, including flies, beetles, and aquatic insects. Townsend's big-eared bat, like most mammals, maintains a high body temperature primarily through heat produced by its metabolism. Like many bat species inhabiting temperate regions, Townsend's big-eared bat uses torpor as a physiological and behavioral strategy in winter to deal with diminished food resources and cool or cold ambient temperatures, which make it energetically costly to maintain normal high body temperature. Townsend's big-eared bat hibernation sites are generally caves or mines (Pearson et al. 1952, Barbour and Davis 1969), although animals are occasionally found in buildings (Dalquest 1947). In areas with prolonged periods of non-freezing temperatures, Townsend's big-eared bat tends to form relatively small hibernating aggregations of single to several dozen individuals, and may be active during the winter to take advantage of warm weather and prey availability. Larger aggregations (75-460 individuals) are confined to areas that experience prolonged periods of freezing temperatures (Pierson and Rainey 1998).

Habitat associations for Townsend's big-eared bat in California include the inland deserts (Colorado, Mojave, Great Basin); cool, moist coastal redwood forests; oak woodlands of the Sierra Nevada foothills and coastal mountains; and lower to mid-elevation mixed coniferous-deciduous forests. Townsend's big-eared bat has also been observed hibernating in the bristlecone-limber pine habitat of the White Mountains (Inyo County).

Townsend's big-eared bat prefers open surfaces of caves or cave-like structures, such as mine adits and shafts (Barbour and Davis 1969, Graham 1966, Humphrey and Kunz 1976). It has also been reported in such structures as buildings, bridges, and water diversion tunnels that offer a cave-like environment (Barbour and Davis 1969, Dalquest 1947, Howell 1920, Pierson and Rainey 1998). It has been found in rock crevices and, like a number of bat species, in large hollow trees (Gellman and Zielinski 1996, Fellers and Pierson 2002, Mazurek 2004). Foraging associations include edge habitats along streams and areas adjacent to and within a variety of wooded habitats (Brown et al. 1994, Fellers and Pierson 2002, Pierson et al. 2002). The Department considers any structure, or set of structures, used by Townsend's big-eared bat as a maternity or hibernation roost to be habitat essential for the continued existence of the species. The

essential characteristics of these suitable roost sites extend to the nearby foraging, commuting, and night-roosting habitat and therefore these adjacent habitats are also considered essential.

### Regulatory Status

The two western subspecies of Townsend's big-eared bat are not currently listed as endangered or threatened nor are they candidates for listing under the federal Endangered Species Act (ESA). Two eastern subspecies are listed as Threatened under the ESA.

NatureServe, a non-profit conservation organization whose mission is to provide the scientific basis for effective conservation action through its network of natural heritage programs, ranks Townsend's big-eared bat as a whole and each of the two non-listed subspecies (*C. t. pallescens* and *C. t. townsendii*) as "G3G4/T3T4" throughout their respective geographic ranges. This designation indicates uncertainty regarding conservation status, which may be characterized as either Apparently Secure (G4/T4) or Vulnerable (G3/T3). NatureServe defines "Vulnerable" as "at moderate risk of extinction or elimination due to a restricted range, relatively few populations, recent and widespread declines, or other factors" and "Apparently Secure" as "Uncommon but not rare; some cause for long-term concern due to declines or other factors." (<http://explorer.natureserve.org/granks.htm>).

The current version of the International Union for the Conservation of Nature Red List designates Townsend's big-eared bat as a 'Least Concern' species based on the latest assessment of the species range-wide. The IUCN had previously designated the species in 1996 as 'Vulnerable.' The Least Concern designation is based on "its wide distribution, presumed large population, occurrence in a number of protected areas and because it is unlikely to be declining at nearly the rate required to qualify for listing in a threatened category."

## II. STATUTORY AND LEGAL FRAMEWORK

The Commission has prepared these findings as part of its final action under CESA regarding the Petition to designate Townsend's big-eared bat as a threatened or endangered species under CESA. As set forth above, the Commission's determination that listing Townsend's big-eared bat is not warranted marks the end of formal administrative proceedings under CESA. (See generally Fish & G. Code, § 2070 et seq.; Cal. Code Regs., tit. 14, § 670.1.) The Commission, as established by the California Constitution, has exclusive statutory authority under California law to

designate endangered, threatened, and candidate species under CESA. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070.)

The CESA listing process for Townsend's big-eared bat began in the present case with Petitioner's submittal of its Petition to the Commission in November 2012 (Cal. Reg. Notice Register 2012, No. 48-Z, p. 1747). The regulatory process that ensued is described above in some detail, along with related references to the Fish and Game Code and controlling regulation. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

- *Mountain Lion Foundation v. California Fish and Game Commission* (1997) 16 Cal.4th 105, 114-116;
- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535, 1541-1542;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, 600; and
- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104, 1111-1116.

The "is not warranted" determination at issue here for Townsend's big-eared bat stems from Commission obligations established by Fish and Game Code Section 2075.5(e). Under this provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process: whether the petitioned action is warranted or is not warranted. Here with respect to Townsend's big-eared bat, the Commission made the finding under Section 2075.5(e)(1) that the petitioned action is not warranted.

The Commission was guided in making this determination by various statutory provisions and other controlling law. The Fish and Game Code, for example, defines an endangered species under CESA as a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease. (Fish & G. Code, § 2062.) Similarly, the Fish and Game Code defines a threatened species under CESA as a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. (*Id.*, § 2067.)

As established by published appellate case law in California, the term "range" for purposes of CESA means the range of the species within California. (*California Forestry Association v. California Fish and Game Commission*, *supra*, 156 Cal. App.4th at p. 1540, 1549-1551.)

The Commission was also guided in making its determination regarding Townsend's big-eared bat by Title 14, Section 670.1, subdivision (i)(1)(A), of the California Code of Regulations. This provision provides, in pertinent part, that a species shall be listed as endangered or threatened under CESA if the Commission determines that the continued existence of the species is in serious danger or is threatened by any one or any combination of the following factors:

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human-related activities.

Fish and Game Code Section 2070 provides similar guidance. This Section provides that the Commission shall add or remove species from the list of endangered and threatened species under CESA only upon receipt of sufficient scientific information that the action is warranted. Similarly, CESA provides that all state agencies, boards, and commissions shall seek to conserve endangered and threatened species and shall utilize their authority in furtherance of the purposes of CESA. (Fish & G. Code, § 2055.) This policy direction does not compel a particular determination by the Commission in the CESA listing context. Yet, the Commission made its determination regarding Townsend's big-eared bat mindful of this policy direction, acknowledging that "[l]aws providing for the conservation of natural resources' such as the CESA 'are of great remedial and public importance and thus should be construed liberally'" (*California Forestry Association v. California Fish and Game Commission*, *supra*, 156 Cal. App.4th at pp. 1545-1546, citing *San Bernardino Valley Audubon Society v. City of Moreno Valley* (1996) 44 Cal.App.4th 593, 601; Fish & G. Code, §§ 2051, 2052.).

Finally in considering these factors, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party. (See, e.g., *Id.*, §§ 2071, 2074.4, 2078; Cal. Code Regs., tit. 14, § 670.1, subd. (h).) The related notice obligations and public hearing opportunities before the Commission are also considerable. (Fish & G. Code, §§ 2073.3, 2074, 2074.2, 2075, 2075.5, 2078; Cal. Code Regs., tit. 14, § 670.1, subds. (c), (e), (g), (i); see also Gov. Code, § 11120 et seq.) All of these obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including an initial evaluation of the petition and a related recommendation regarding candidacy, and a 12-month status review of the candidate species culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science. (Fish & G. Code, §§ 2073.4, 2073.5, 2074.4, 2074.6; Cal. Code Regs., tit. 14, § 670.1, subds. (d), (f), (h).)

### III. FACTUAL AND SCIENTIFIC BASIS FOR THE COMMISSION'S FINDINGS

The factual and scientific bases for the Commission's finding that designating Townsend's big-eared bat as a threatened or endangered species under CESA is not warranted are set forth in detail in the Commission's administrative record of proceedings. The evidence in the administrative record in support of the Commission's determination includes, but is not limited to, the Department's 2013 Petition Evaluation and 2016 Status Review, and other information specifically presented to the Commission and otherwise included in the Commission's administrative record as it exists up to and including the Commission meeting in Folsom, California on August 25, 2016. The administrative record also includes these findings.

The Commission finds the substantial evidence highlighted in the preceding paragraph, along with other evidence in the administrative record, supports the Commission's determination that the continued existence of Townsend's big-eared bat in the State of California is not in serious danger of becoming extinct or threatened by on or a combination of the following factors:

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human-related activities.

The Commission also finds that the same evidence constitutes sufficient scientific information to establish that designating Townsend's big-eared bat as a threatened or endangered species under CESA is not warranted. The Commission finds in this respect that Townsend's big-eared bat is not in serious danger of becoming extinct throughout all, or a significant portion, of its range in California. Similarly, the Commission finds that Townsend's big-eared bat is not presently threatened and it is unlikely to become an endangered species in the foreseeable future in the absence of special protection and management efforts required by CESA.

The following Commission findings highlight in more detail some of the scientific and factual information and other evidence in the administrative record of proceedings that support the Commission's determination that designating Townsend's big-eared bat as a threatened or endangered species under CESA is not warranted:

1. The Petition relied heavily a 1998 report prepared for the Department summarizing surveys of Townsend's big-eared bat maternity colonies and hibernacula throughout much of the species' range in California during the period from 1987 to 1991, and compared those results to the original site reports from the period of 1918 to 1974 (Pierson and Rainey 1998). Based on these surveys,

the report inferred that the Townsend's big-eared bat population had declined over the several decades before the study. No statewide study assessing the status of the species has been conducted since, although the Department is currently funding a new statewide survey targeting known and highly-suitable locations for maternity and hibernation roosts, and anticipates that an updated snapshot of the species' distribution will be available in 2017. However, from existing information on a number of maternity and hibernation roosts around California, five of six studies concluded that site specific populations are stable or increasing. Although not a statistically valid estimate of population size or trend statewide, the studies do illustrate how colony sizes and threats vary around the state, as well as how management of roosts can directly affect local assemblages of Townsend's big-eared bat.

2. Loss of suitable roosting site habitat is often considered a limiting factor for western bat populations. (Hayes, 2003). Old-growth conifers, a known roosting site of Townsend's big-eared bat (Pierson and Fellers, 1998; Mazurek, 2004; Humphrey and Kunz, 1976), could be impacted by forestry practices, timber operations, loss of oak woodlands, and conversion of forests into agricultural uses. Mining operations and recreational activities in caves and abandoned mines also pose a risk to roosting sites. However, human activities in the late 1800s such as mining and building construction also create available roost habitat, and it is possible that Townsend's big-eared bat distribution merely shift and redistributed as new roost sites became available (Sherwin et al. 2009).
3. Disturbance to roost sites is a hypothesized threat to Townsend's big-eared bat populations. However, the impact of disturbance is disputed, and it is possible that disturbed roosting colonies may only temporarily abandon those sites (R. Stafford 2014, pers. comm.; Fellers and Halstead 2015). One colony has shown tolerance to disturbance (Freeman 2012). Some studies additionally indicate that colonies may move between multiple roost sites during a maternity season, and more study is needed before concluding that human disturbance is the driving force behind the dynamics of roost use (Sherman et al. 2000, 2003, 2009; Sherwin 2016 pers. comm.). The Department did not find any indication that disturbance of roost sites is a significant threat state-wide.
4. Climate change models evaluating a range of possible future distribution of Townsend's big-eared bat project that the species will fare reasonably well in terms of availability of climatically suitable habitat in California.

5. The Department does not consider overexploitation, predation, or competition to be a significant threat to the Townsend's big-eared bat population in California.

#### **IV. ADDITIONAL CONSIDERATIONS INFORMING THE COMMISSION'S FINAL DETERMINATION**

The Commission's determination that designating Townsend's big-eared bat as a threatened or endangered species under CESA is not warranted is informed by various additional considerations. In general, the Fish and Game Code contemplates a roughly twelve-month long CESA listing process before the Commission, including multiple opportunities for public and Department review and input and peer review (See generally Fish & G. Code, § 2070 et seq.; Cal. Code Regs., tit. 14, § 670.1.). From the initial receipt of the Petition in November 2012 through the Commission's decision on August 25, 2016 that listing is not warranted, the Department and the Commission received numerous comments and other significant public input regarding the status of Townsend's big-eared bat from a biological and scientific standpoint and with respect to the petitioned action under CESA. The Commission, as highlighted below, was informed by and considered all of these issues, among others, in making its final determination that designating Townsend's big-eared bat as a threatened or endangered species under CESA is not warranted (Fish & G. Code, § 2075.5, subd. (e)(1); Cal. Code Regs., tit. 14, § 670.1, subd. (i)(2).).

#### **V. SCIENTIFIC DETERMINATIONS REGARDING THE STATUS OF THE TOWNSEND'S BIG-EARED BAT**

CESA defines an endangered species as one "which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease." (Fish & G. Code, § 2062.) CESA defines a threatened species as one "that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of special protection and management efforts required by [CESA]." (Id., § 2067.)

Pursuant to CESA's implementing regulations, a "species shall be listed as endangered or threatened ... if the Commission determines that its continued existence is in serious danger or is threatened by anyone or any combination of the following factors: (1) present or threatened modification or destruction of its habitat; (2) overexploitation; (3) predation; (4) competition; (5) disease; or (6) other natural occurrences or human-related activities." (Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1)(A).)

##### **Present or Threatened Modification or Destruction of Habitat**

- Disturbance, degradation, and loss of suitable roost sites are recognized threats to Townsend's big-eared bat populations. Natural roost sites include large, old trees and caves, in addition to human-made roosts such as old buildings and mines. Forestry practices, timber operations, conversion of forest to agricultural land, mining activities, and recreational exploration of mines and caves are all activities that could potentially cause loss or disturbance of roost sites. However, the impact of disturbance is hypothesized and still needs further study. Overall there is no current indication that loss or disturbance of roost sites is a significant state-wide threat to the species at this time.
- Impacts to foraging habitat could also affect the species. Land management practices that lead to agricultural development, extensive clear-cutting, or residential and urban development reduce available foraging habitat for the species. It is possible that climate change may affect foraging habitat suitability as well. However, there is no indication that current impacts to foraging habitat pose a significant threat at this time.
- Based on the best scientific information available, the Commission finds that the continued existence of the Townsend's big-eared bat is not in serious danger or threatened by present or threatened modification or destruction of habitat.

### Overexploitation

- Townsend's big-eared bat is a nongame mammal, and the only collection that does occur in California is on a limited basis for bona fide scientific and educational purposes. The Department regulates collection according to Fish and Game Code Sections 1002 *et seq.* For long-lived/low fecundity species such as Townsend's big-eared bat, it is possible that repeated scientific collection may have a population impact. There is also a concern that placing of wing bands for scientific research may have a negative impact on individual bats. To address these concerns, the Department carefully controls the activities of scientific researchers working on Townsend's big-eared bat in California. Given the level of control exerted by the Department, overexploitation for scientific purposes is not considered to be a threat to the continued existence of Townsend's big-eared bat in California.
- Based on the best scientific information available, the Commission finds that the continued existence of the Townsend's big-eared bat population is not in serious danger or threatened by overexploitation.

### **Predation**

- Individual Townsend's big-eared bat populations may be preyed upon by a variety of native and non-native predators, for example raccoons, bobcats, house cats, skunks, and snakes, and rats. However, Pearson et al. (1952) discounted predation as a limiting factor on Townsend's big-eared bat populations, and the Department does not consider predation a significant threat at this time.
- Based on the best scientific information available, the Commission finds that the continued existence of the Townsends's big-eared bat population is not in serious danger or threatened by predation.

### **Competition**

- There is no evidence indicating that competition for resources (such as prey, water, and cover habitat) with other native or introduced species is a threat to the continued existence of Townsend's big-eared bat in California.
- Based on the best scientific information available, the Commission finds that the continued existence of Townsend's big-eared bat is not in serious danger or threatened by competition.

### **Disease**

- White Nose Syndrome is an important threat to bat species nationwide, and a potential threat to Townsend's big-eared bat in California. Although it White Nose Syndrome was recently detected in Washington state, surveys have yet to detect it in California. Monitoring and research to determine the species' susceptibility to the disease is needed to assess the level of the threat. However, this disease is not currently impacting Townsend's big-eared bat in California. Additionally, there is nothing to suggest that Townsend's big-eared bat populations in California have been subject to recent disease outbreaks.
- Based on the best scientific information available, the Commission finds that the continued existence of the Townsend's big-eared bat is not in serious danger or threatened by disease.

### **Other Natural Events or Human-Related Activities**

- Mines provide important shelter for Townsend's big-eared bats and may be used year round for their roosting needs. Structurally diverse mines may provide both warm roosts for maternity colonies and cool roosts for hibernation (Pierson and Fellers 1998, Pierson and Rainey 1998, Pierson et al. 1991, 1999). Closure of

mines, environmental contamination, and human disturbances may pose a threat to the species. Permanent mine closure methods have resulted in some cases in the destruction of roosting habitat, and mortality of bats by trapping them within the closed mine. California's Abandoned Mine Lands program is actively engaged in reducing hazards associated with open mines, and works with state, federal, and private land owners to ensure that wildlife-compatible closure methods are implemented. These programs should minimize the negative impacts of mine closures on sensitive species, and the Department considers it unlikely that population-level impacts would occur.

- The extent that pesticide use in California impacts Townsend's big-eared bat populations is unknown, although it is likely at least some individuals are impacted where toxins are concentrated through either absorption through the skin or ingestion of contaminated prey or water. It is unknown to what level current and future pesticide use could pose a threat to Townsend's big-eared bat populations.
- Mineral extraction can result in pools of water contaminated with toxic chemicals that pose a threat to wildlife, including bats. Although toxic leach fields and ponds are a potential threat to Townsend's big-eared bat, the Department believes that regulatory oversight of the mining industry minimize the risks associated with mine toxins to an acceptably low level.
- Climate change modeling using climatic variables to model the current and possible future distribution of Townsend's big-eared bat under four different future climate change projections showed that the species is projected to fare reasonably well in terms of availability of climatically suitable habitat in California. Most of the currently suitable modeled habitat is projected to remain stable, and areas in the north of the state and at higher elevations are project to increase in suitability. The Department does not believe that climate change is a significant threat to the species.
- Based on the best scientific information available, the Commission finds that the continued existence of the Townsend's big-eared bat is not in serious danger or threatened by other natural events or human-related activities.

### Summary of Key Findings

Based on the criteria described above, the best scientific information available to the Commission indicates that Townsend's big-eared bat is not currently in serious danger

of becoming extinct in California within the next few decades, nor in the foreseeable future in the absence of special protection and management under CESA.

The current size of the Townsend's big-eared bat population in California is uncertain. While historic data evaluated in the 1998 report indicated a potential decline in the population, more recent studies show that at specific areas throughout the state, local populations of Townsend's big-eared bat have remained stable or even increased in size.

Disturbance, degradation, and loss of suitable roost sites is a recognized threat to Townsend's big-eared bat populations. However, there is no current indication that loss or disturbance of roost sites is a significant state-wide threat to the species at this time. Additionally, although impacts to foraging habitat could also affect the species, there is no indication that current impacts to foraging habitat pose a significant threat at this time.

The Department evaluated other factors, such as overexploitation, predation, competition, disease, and climate change. Based on the Department's analysis, none of these factors is considered to be a serious threat to the continued existence of the Townsend's big-eared bat population in California.

Based on the best scientific information available, the Department concludes the continued existence of the Townsend's big-eared bat is not in serious danger or threatened. Further, the Department generated the following recommendations to prioritize conservation, research, regulation, and monitoring activities.

#### Research and Monitoring Needs

- Complete comprehensive statewide assessment of Townsend's big-eared bat by 2017.
- Implement consistent long-term monitoring at representative Townsend's big-eared bat roost sites in California, including at both maternity and hibernation roosts.
- Design and test human-made structures suitable for use by Townsend's big-eared bat during the maternity and hibernation seasons.
- Create standardized procedures for monitoring Townsend's big-eared bat populations. Ensure all such studies will not adversely impact the subject populations. This should include formal study of the frequency of roost-switching and other movements, both to determine the degree such human study affects movements and to better understand detection probabilities for roost surveys and to develop guidance on the timing and numbers of survey visits needed to determine occupancy or probable absence.

- Conduct additional analyses of the possible effects of climate change and drought on Townsend's big-eared bat and determine best approaches to address possible adverse effects.
- Conduct research on the role environmental contaminants play in the health of Townsend's big-eared bat populations
- Develop methods to create basal hollows in suitable large old trees.
- Conduct genetic studies to determine the population genetic structure of Townsend's big-eared bat in California, with special attention to the degree of divergence and isolation of populations on Santa Cruz Island relative to the mainland and between coastal and interior populations.

#### Department Administrative Actions

- If results of current or future statewide Townsend's big-eared bat surveys indicate a decline in the population status is occurring that may lead to endangerment, prepare a staff recommendation to list the species as Threatened or Endangered for consideration by the Commission.
- Working with partners at state and federal agencies, as well as private landowners, ensure that management of Townsend's big-eared bat roost sites is consistent with continued site occupancy at or above existing population levels.
- Attempt to secure new funding and position resources as a priority to establish a full-time permanent bat specialist position within the Nongame Wildlife Program of the Department to address data assimilation and conservation of bats in California, including Townsend's big-eared bat.
- Support research on the design and effectiveness of human-made structures suitable for use by Townsend's big-eared bat during the maternity and hibernation seasons.
- Create interagency and other stakeholder cooperation in, and public support for, conservation efforts for Townsend's big-eared bat. Partner with non-governmental organizations such as Bat Conservation International, The Nature Conservancy, and local NGOs in such efforts.
- Develop greater awareness of Townsend's big-eared bat and other bat conservation and management issues within the Department.
- Direct fiscal and position resources to complete the draft California Bat Conservation Plan.

#### Management of Known Roost Sites

- Prior to changing management of caves, mines, or buildings that could be used by Townsend's big-eared bat or other bat species, such sites should be

evaluated and/or surveyed during appropriate seasons for their use by Townsend's big-eared bat.

- Existing roosts should be left undisturbed and occupied roosts should only be entered for management or research purposes.
- Bat-friendly gates should be installed at Townsend's big-eared bat roosts where other methods of controlling human entrance are not effective. Special consideration should be given to gate design to minimize risk of injury or unsuitability for Townsend's big-eared bat. Corrugated culvert gates should not be used.
- Abandoned mines suitable for use by Townsend's big-eared bat should not be closed in a manner that prevents bat use, or if they cannot be maintained then adequate mitigation and exclusion should be conducted prior to their closure. If renewed mining will close a mine, mitigation for replacement habitat should be implemented. Mitigation monitoring should be done by the appropriate agency to determine effectiveness.
- Effectiveness monitoring (use of data loggers to passively record bat use and human disturbance) should be implemented at gated roost sites and other roost sites actively managed for bat resources (as through signage, information for visitors, etc.).
- Ensure native vegetation and access to open water and/or riparian habitat within the vicinity of maternity roosts remains suitable for use by Townsend's big-eared bat. Analysis of habitat suitability should be made on a site-specific basis, but start with using the area within a 24-km radius of the roost site.
- Where a Townsend's big-eared bat or other bat roost site has a history of recreational use by humans, implement a management plan to ensure new impacts from human use do not occur. The Kentucky Mine Stamp Mill management plan (Tierney and Freeman 2007) is a good example of such a plan that appears to be successful.

#### Landscape Management Practices

- Developed springs and other water sources should be kept available for in-flight drinking.
- If protracted drought poses a threat to Townsend's big-eared bat, develop additional water sources for drinking and foraging in areas where open water and associated insect prey production might limit population size.
- Restore or enhance riparian habitat.
- Implement basal hollow creation projects to increase opportunities for Townsend's big-eared bat to use tree roosts in coastal redwood forests (and

possibly in interior forests where large tree species, such as giant sequoia, have the potential to serve as roost sites)

### CEQA Review of Proposed Projects

- Ensure direct and cumulative impacts from projects proposed under CEQA and CEQA-equivalent regulatory programs are not likely to result in a substantial reduction in population or range of Townsend's big-eared bat and other bat species.

### Public Education and Outreach

- Conduct and cooperate with other agencies on public outreach events about Townsend's big-eared bat and other bat species.
- Disseminate the California Bat Conservation Plan to the public, when complete.
- Encourage citizen participation, as appropriate, in bat monitoring projects.
- Promote bat-friendly exclusions, including seasonally-appropriate timing of exclusions, where it is necessary to remove bats from buildings and other structures.

### Health and Disease

- Continue and expand surveillance for WNS by state and federal agencies and researchers.
- Support research on the etiology and epidemiology of WNS on *Corynorhinus* species, including Townsend's big-eared bat.
- Continue and expand, if necessary, decontamination requirements for persons entering hibernacula for Townsend's big-eared bat and other hibernating bat species to minimize the risk of introducing the fungus that causes WNS.
- Work with other state and federal regulatory agencies to prevent the introduction of environmental contaminants that may affect the health of Townsend's big-eared bat and other bats. These may include aerial pesticide application and chemicals used in processing mined minerals.

## **VI. FINAL DETERMINATION BY THE COMMISSION**

The Commission has weighed and evaluated all information and inferences for and against designating Townsend's big-eared bat as a threatened or endangered species under CESA. This information includes scientific and other general evidence in the Petition, the Department's 2013 Petition Evaluation, the Department's 2016 peer-reviewed Status Review, and the Department's related recommendations based on the

best available science, written and oral comments received from the public and the scientific community, and other evidence included in the Commission's administrative record of proceedings.

Based on the evidence in the administrative record, the Commission has determined that the best scientific information available indicates that the continued existence of Townsend's big-eared bat in California is not in serious danger or threatened in the foreseeable future by present or threatened modifications or destruction of Townsend's big-eared bat habitat, overexploitation, predation, competition, disease, or other natural occurrences or human-related activities. (See generally Fish & G. Code, §§ 2062, 2067; Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1)(A).) The Commission finds, for the same reason, that there is not sufficient scientific information at this time to indicate that the petitioned action is warranted (Fish & G. Code, §§ 2070, 2075.5.). The Commission finds that designating Townsend's big-eared bat as a threatened or endangered species under CESA is not warranted and that, with adoption of these findings, for purposes of its legal status under CESA shall revert to its status prior to the filing of the Petition. (Fish & G. Code, § 2075.5, subd. (e)(1); Cal. Code Regs., tit. 14, § 670.1, subd., (i)(2).)

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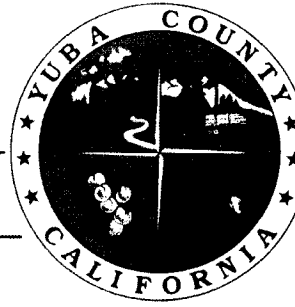
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# The County of Yuba



(502-1116) Consi... - 1 of 4

MARYSVILLE, CA 95901

(530) 749-7860 • PHONE  
(530) 749-7864 • FAX

## HUMAN RESOURCES and ORGANIZATIONAL SERVICES

JILL ABEL, HUMAN RESOURCES DIRECTOR

**TO:** Finance and Administration Committee  
**FROM:** Jill Abel, Human Resources Director  
Bruce Stottlemeyer, Assessor *BC*  
**DATE:** November 15, 2016  
**SUBJECT:** Amend the County's Basic Salary Schedule & Department Allocation Schedule

### RECOMMENDATION

Adopt the resolutions to amend the Classification System – Basic Salary/Hourly Schedule and the Department Allocation Schedule as it relates to the Assessor's Office.

### DISCUSSION

Recently an outside consultant conducted a countywide workforce analysis in relation to the County's succession plan. Following the conclusion of the study, the Assessor's Office evaluated its current organizational structure, operational needs and strategic succession plan. It was determined there was a need to reconfigure the Office to allow internal staff development and succession opportunities.

Currently the Office is comprised of 17 allocated positions, with the majority directly supervised by the Assistant Assessor. The Office has dedicated half of its positions to performing field work and the other half to technical and administrative office support work. Adding a supervisory position for office staff would provide additional oversight and focus to staff development while providing internal advancement for succession planning. Thus, it is recommended that the Board establish the new classification of Assessment Supervisor.

### FISCAL IMPACT

The fiscal impact for the 2016/2017 fiscal year is estimated to be \$11,500. The actual fiscal impact is unknown since the salaries will be dependent on the selected internal candidates.

COPY

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

RESOLUTION AMENDING THE )  
CLASSIFICATION SYSTEM – )  
BASIC SALARY SCHEDULE )  
\_\_\_\_\_ )

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

BE IT RESOLVED that the Classification System – Basic Salary/Hourly Schedule is amended as follows effective November 1, 2016.

ADD:

Code	Classification	Unit	BASE: STEP A	HOURLY	OT Code	WC Code
ASUP	Assessment Supervisor	5	\$3,883	22.40	N	8810.1

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the day of \_\_\_\_\_, 2016 by the following votes:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
CHAIRMAN

ATTEST: Donna Stottlemeyer  
Clerk of the Board

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

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

By: Courtney C. H.

COPY

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

RESOLUTION AMENDING THE )  
DEPARTMENTAL POSITION )  
ALLOCATION SCHEDULE )  
\_\_\_\_\_ )

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

BE IT RESOLVED that the Departmental Position Allocation Schedule as it relates to the following department(s) is amended effective November 1, 2016 as follows:

**ADD:**

DEPARTMENT	CLASSIFICATION	# OF POSITIONS
Assessor	Assessment Supervisor	1

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 by the following votes:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
CHAIRMAN

ATTEST: Donna Stottlemeyer  
Clerk of the Board

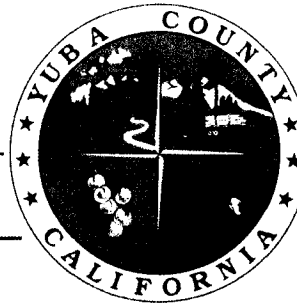
APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

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

By: Courtney C. Ah

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# The County of Yuba



(503-1116) Consi... - 1 of 4

MARYSVILLE, CA 95901

(530) 749-7860 • PHONE  
(530) 749-7864 • FAX

## HUMAN RESOURCES and ORGANIZATIONAL SERVICES

JILL ABEL, HUMAN RESOURCES DIRECTOR

**TO:** Finance and Administration Committee  
**FROM:** Jill Abel, Human Resources Director  
Doug McCoy, Director of Administrative Services  
**DATE:** November 15, 2016  
**SUBJECT:** Amend the County's Basic Salary Schedule & Department Allocation Schedule

### RECOMMENDATION

Adopt the resolutions to amend the Classification System – Basic Salary/Hourly Schedule and the Department Allocation Schedule as it relates to the Administrative Services Department.

### DISCUSSION

The Administrative Services Department would like to change its vacant Administrative Technician position to a new classification of Buyer I/II. The Buyer I/II would be flexibly staffed position that would perform a variety of logistical assistance to the Department's purchasing, surplus and fleet functions. By changing the classification the County would be clearly targeting applicants with an interest in the field of work related to purchasing.

### FISCAL IMPACT

The fiscal impact for the 2016/2017 fiscal year is estimated to be a savings of \$7,400. The actual fiscal impact is unknown since the salary will be dependent on the selected candidate.

COPY

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

RESOLUTION AMENDING THE )  
DEPARTMENTAL POSITION )  
ALLOCATION SCHEDULE )  
\_\_\_\_\_ )

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

BE IT RESOLVED that the Departmental Position Allocation Schedule as it relates to the following department(s) is amended effective December 1, 2016 as follows:

**ADD:**

DEPARTMENT	CLASSIFICATION	# OF POSITIONS
Administrative Services	Buyer I/I	1

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 by the following votes:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
CHAIRMAN

ATTEST: Donna Stottmeyer  
Clerk of the Board

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

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

By: 

COPY

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

RESOLUTION AMENDING THE )  
CLASSIFICATION SYSTEM – )  
BASIC SALARY SCHEDULE )  
\_\_\_\_\_ )

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

BE IT RESOLVED that the Classification System – Basic Salary/Hourly Schedule is amended as follows effective December 1, 2016.

ADD:

Code	Classification	Unit	BASE: STEP A	HOURLY	OT Code	WC Code
BUYR-1	Buyer I	4	\$3,449	\$19.10	N	9410
BUYR-2	Buyer II	4	\$3,767	\$21.73	N	9410

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the day of \_\_\_\_\_, 2016 by the following votes:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
CHAIRMAN

ATTEST: Donna Stottlemeyer  
Clerk of the Board

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

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

By: 

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