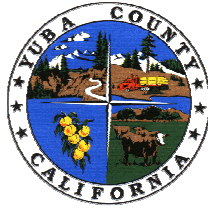


BOARD OF SUPERVISORS

AMENDED AGENDA



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

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

TUESDAY, MARCH 21, 2017
9:30 A.M.

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.

PLEDGE OF ALLEGIANCE - Led by Supervisor Lofton

ROLL CALL - Supervisors Vasquez, Leahy, Lofton, Bradford, Fletcher

CONSENT AGENDA

All matters listed under Consent Agenda are considered to be routine and can be enacted in one motion.

- 71/2017** Board of Supervisors: Appoint Elena Flacks as the District Four Representative for Library Advisory Commission with a term ending January 10, 2021.
- 76/2017** Clerk of the Board of Supervisors: Approve meeting minutes of February 28 and March 7, 2017.
- 41/2017** Community Development and Services: Award contract to Parsons Brinckerhoff, Inc. for professional design guidance services for the Rice's Crossing Road Bridge Replacement project and authorize Chair to execute upon County Counsel review and approval.
- 67/2017** Community Development and Services Agency: Authorize budget adjustment in the amount of \$15,000 from Fixed Asset Structure to Equipment for Sycamore Ranch reservation and ticketing kiosk.
- 44/2017** County Administrator- Authorize grant application for Regional Waste Management Authority on County's behalf for the Local Government Waste Tire Amnesty Event Grant Program and authorize County Administrator to execute submittal letter.
- 47/2017** Health and Human Services: Approve first amendment agreement with Comfort Keepers for adult services under the Multipurpose Senior Services Program and authorize Chair to execute.
- 53/2017** Human Resources and Health and Human Services: Approve implementation of Public Health Nurse Retention Incentive Program Policy, approve Amendment to the Master Labor Agreement (MLA) between the County of Yuba and the Yuba County Employees' Association, and authorize the Chair to execute.

BOARD OF SUPERVISORS REGULAR MEETING

- 63/2017** Office of Emergency Services: Adopt resolution proclaiming existence of ongoing local emergency proclamation due to historic rainfall.
- 72/2017** Sheriff-Coroner: Approve agreement with U.S. Department of Justice Drug Enforcement Administration for marijuana eradication and authorize Chair to execute.

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. Note: No Board action can be taken on comments made under this heading.

COUNTY DEPARTMENTS

- 50/2017** Probation: Adopt resolution declaring April 02 – April 08, 2017 Crime Victims' Rights Week and allow the Probation Department's Victim Services unit to honor local law enforcement, District Attorney staff, community partner agencies and community members for outstanding service to crime victims of Yuba County and commemorate 32 years of Victim Services in Yuba County through the Probation Department and reaffirm the Board's recommendation for Probation to operate Victim Services. (Thirty minute estimate)
- 61/2017** Administrative Services: Rescind Resolution No. 2016-103 and adopt resolution in support of the Tri County Juvenile Rehabilitation Facility State match requirements funded in part by Board and State Community Corrections SB 81 Round 1 and Round 2 Facility Construction Funding. (Fifteen minute estimate)
- 73/2017** County Administrator: Review legislative position letters and authorize Chair to execute. (Fifteen minute estimate)
- 42/2017** Sheriff Coroner/County Administrator/Human Resources: Receive report regarding critical public safety staffing; approve modification to Deputy Sheriff Association Memorandum of Understanding and authorize Chair to execute; grant additional hiring authority to the Sheriff; and adopt resolutions amending classification system basic salary/hourly schedule, basic salary schedule for extra help, and department allocation schedule as it relates to Sheriff's Department. (Thirty minute estimate)

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 hearing described in this notice, you may be limited to raising only those issues you or someone else raised at such hearing, or in written correspondence delivered to the Yuba County Board of Supervisors at, or prior to, such hearing. Public comments will be limited

**BOARD OF SUPERVISORS
REGULAR MEETING**

to three minutes per individual or group.

- 35/2017** Ordinance - Hold public hearing, waive second reading and adopt ordinance amending Section 2.25 of the Yuba County Ordinance Code changing the regular board meeting schedule to the second and fourth Tuesday of each month at 6:00 p.m. and 9:00 a.m. respectively. (County Counsel) (Thirty minute estimate) (Roll call vote)

CORRESPONDENCE

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

- 55/2017** Notice from Cal OES advising disaster declaration for various counties including Yuba County.
- 64/2017** Letter from California Department of Finance regarding expiration of In-Home Supportive Services Maintenance-of-Effort.

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.

CLOSED SESSION

- 54/2017** Labor Negotiations pursuant to Government Code §54947(a) – YCEA/Negotiator Jill Abel
- 65/2017** Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Property : APN: 014-190-035-000 commonly known as 4240 Dan Avenue Olivehurst
Property Owners: Yuba County County Negotiators: Doug McCoy/Robert Bendorf
- 66/2017** Pending litigation pursuant to Government Code §54956.9(d) (1) Fellowship vs. Yuba County
- 75/2017** Pending litigation pursuant to Government Code §54956.9(d) (1) - Brown vs. County of Yuba
- 77/2017** Personnel pursuant to Government Code §54957(b)(1) – Department Head Evaluation-Appointment - County Counsel

2:00 P.M. 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 hearing described in this notice, you may be limited to raising only those issues you or someone else raised at such hearing, or in written correspondence delivered to the Yuba County Board of Supervisors at, or prior to, such hearing. Public comments will be limited to three minutes per individual or group.

**BOARD OF SUPERVISORS
REGULAR MEETING**

- 74/2017** Ordinance - Hold public hearing, waive first reading, and introduce ordinance amending various sections of Chapter 7.40 Marijuana Cultivation of the Yuba County Ordinance Code relating to limited changes to align with legal requirements of Proposition 64 of the County of Yuba. (Community Development and Services Agency) (Thirty minute estimate) (Roll Call Vote)

ADJOURN

Finance and Administration Committee: Supervisors Fletcher and Vasquez, Alternate Leahy

- 68/2017** Consider resolutions amending the Classification System-Basic Salary/Hourly Schedule and the Department Allocation Schedule as it relates to the Probation Department, effective April 1, 2017 - Human Resources and Probation Department (Five minute estimate)

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

The County of Yuba

Board of Supervisors



TO: Board of Supervisors

FROM: Clerk of the Board, Donna Stottlemeyer

SUBJECT: Appoint Elena Flacks as the District Four Representative to Library Advisory Commission with a term ending January 10, 2021.

DATE: 03/21/2017

NUMBER: 71/2017

Recommendation

Appoint Elena Flacks to Yuba County Library Advisory Commission as a District Four Representative with a term ending January 10, 2021.

Background

The Local Appointment List of all Boards/Commissions/Committees is continually posted indicating vacancies, appointees, terms of office, qualifications and meeting information.

Discussion

This is a scheduled vacancy. Two applications were received one from Ms. Elena Flacks and Mr. David R. Read. Both are attached for your review. Supervisor Bradford recommends appointment of Elena Flacks.

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

Committee Action:

None required

Fiscal Impact:

None

The County of Yuba

RECEIVED

JAN 20 2017

Clerk/Board of Supervisors

71-2017 Appoint ... - 3 of 8



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

RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

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

BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE: Library Advisory Commission

APPLICANT NAME: Elena Flacks

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

Plumas Lake CA 95961

PHYSICAL ADDRESS
(Street, City, Zip):

same

TELEPHONE:

HOME:

WORK:

EMAIL ADDRESS:

OCCUPATION/PROFESSION:
SUPERVISOR/ DISTRICT
NUMBER: 4

Librarian

REASONS YOU WISH TO
SERVE ON THIS BODY:

I am passionate about libraries and would like
to be more involved in my community.

QUALIFICATIONS:

I am a full-time librarian at Yuba College since 2008.
I have a Master's Degree in Library Science and have been working in libraries since 2000.

LIST PAST AND CURRENT

N/A

PUBLIC POSITIONS HELD:

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

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

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

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

Elena Flacks

SIGNATURE

1-18-17

DATE

THIS SECTION FOR OFFICE USE ONLY

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

☐ APPLICANT APPOINTED: _____

☐ OTHER: _____

The County of Yuba

RECEIVED

JAN 19 2017

71-2017 Appoint ... - 4 of 8

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

Clerk/Board of Supervisors



RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

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

BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE: Yuba County Library Advisory Commission

APPLICANT NAME: DAVID R. READ

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

PHYSICAL ADDRESS
(Street, City, Zip):

TELEPHONE:

HOME:

WORK:

EMAIL ADDRESS:

OCCUPATION/PROFESSION:
SUPERVISOR/ DISTRICT
NUMBER:

Executive Director, Yuba Sutter Arts Council
GARY BRADFORD District 4

REASONS YOU WISH TO
SERVE ON THIS BODY:

Sincere desire to help improve library programs and services.

QUALIFICATIONS:

Strong background in literary arts both personally and now professionally through programs I manage at the Arts Council.

LIST PAST AND CURRENT
PUBLIC POSITIONS HELD:

Past President - Yuba Sutter Arts Board of Directors Council.
Board Member - Friends of the Yuba County Library
Board Member - RD 784

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

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

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

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

SIGNATURE

DATE

THIS SECTION FOR OFFICE USE ONLY

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

☐ APPLICANT APPOINTED: _____

☐ OTHER: _____

The County of Yuba

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



FEBRUARY 28, 2017

Call to order 9:33 a.m. with Supervisors Andy Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, and Randy Fletcher present.

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

MOTION: Move to adopt MOVED: Andrew Vasquez SECOND: Mike Leahy
AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None

A. Community Development and Services

1. 32-2017 Approve plans, specifications, and estimate and authorization for advertisement of bids for Alleghany Road over Oregon Creek Bridge Rehabilitation project and authorize Chair to execute. Approved

B. Sheriff Coroner

1. 38-2017 Approve agreement and addendum with LocuTenens.com, LLC to provide Tele-Psychiatry to Immigration and Customs Enforcement detainees and authorize Chair to execute. Approved

IV. SPECIAL PRESENTATION

- A. 17-2016 Present Proclamation to Casa De Esperanza for Teen Dating Violence Awareness and Prevention Month, February 2017. (Five minute estimate) Supervisor Vasquez read and presented proclamation.
- B. 33-2017 Present Proclamation for Grand Jury Awareness Month, February 2017. (Five minute estimate) Supervisor Fletcher read and presented proclamation to Grand Jury Foreperson Mike Boom.

V. PUBLIC COMMUNICATIONS:

- Colonel Larry Broadwell Beale Air Force Base 9th Reconnaissance Wing Commander - formal introduction to the Board
- Mr. Buck Weckman – Marijuana regulations

VI. COUNTY DEPARTMENTS

A. Administrative Services

1. 27-2017 Adopt resolution declaring certain real property located in Camptonville is surplus, and that by unanimous judgment of the Board, the real property is of such minimal value that the Board hereby authorizes it to be sold at a private sale without advertising pursuant to Government Code §25363. (Ten minute estimate) (Roll call vote) Director Doug McCoy recapped and responded to Board inquiries.

County Counsel Angil Morris Jones clarified resolution set the purchase price at \$10.

MOTION: Move to adopt MOVED: Andrew Vasquez SECOND: Mike Leahy
AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None

By roll call vote, the Board adopted Resolution No. 2017-15, which is on file in Resolution Book No. 48.

B. County Administrator

1. 31-2017 Adopt resolution granting consent to the City of Yuba City to establish the Yuba-Sutter Tourism Improvement District pursuant to Streets and Highways Code §36620.5. (Fifteen minute estimate)
County Administrator Robert Bendorf recapped.

Yuba Sutter Chamber of Commerce Rikki Schaffer and Brianna Struckmeyer recapped benefits to joining a Tourism Improvement District including the following:

- Increased tourism and enhanced economic development
- Increased local tax revenue
- Lodging Association Initiative
- Jurisdictional oversight of funds
- Transient Occupancy Tax and Penalties

County Administrator Robert Bendorf requested consideration once the Lodging Association Board is established to allow agencies to apply their own interest rate for penalties and administrative cost, and that it be an agreed to percentage and not to exceed amount.

MOTION: Move to adopt including modification to be addressed at a later date
MOVED: Andrew Vasquez SECOND: Mike Leahy
AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None

By roll call vote the Board adopted Resolution No. 2017-16, which is on file in Resolution Book No. 48.

2. 36-2017 Receive 2nd Quarter Financial Report; and authorize midyear budget transfers in the total amount of \$1,486,506 which includes Capital Outlay Funds in the amount of \$85,000 and General Contingency Funds in the amount of \$82,118; and approve Personal requests related to Health and Human Services, and Veterans Services. (30 minute estimate) Deputy County Administrator Grace Mull recapped the following:
 - Increase in General Fund discretionary revenues and
 - Decrease in General Fund expenditures
 - Discretionary Revenue
 - Capital asset purchases

- Contingency funds

Ms. Mull responded to specific inquiries regarding contingency fund request in January for emergency road repairs resulting from January storms, and advised those costs would be included in the package to seek reimbursement from FEMA.

MOTION: Move to authorize midyear budget transfers in the total amount of \$1,486,506

MOVED: Andrew Vasquez SECOND: Gary Bradford

AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

Approved by roll call vote.

MOTION: Move to approve personnel requests related to Health and Human Services, and Veterans Services

MOVED: Doug Lofton SECOND: Mike Leahy

AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

Approved by roll call vote.

County Administrator Robert Bendorf commended Ms. Mull and County Department Heads for their work in pulling together the midyear budgets amidst the storms and emergency evacuation and their diligence maintaining their budgets.

C. Office of Emergency Services

1. 46-2017 Adopt resolution to ratify the existence of an ongoing local emergency in the County of Yuba. (Ten minute estimate) County Administrator Robert Bendorf provided a brief recap and responded to Board inquires.

MOTION: Move to adopt MOVED: Andrew Vasquez SECOND: Mike Leahy

AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

By roll call vote the Board adopted Resolution No. 2017-17, which is on file in Resolution Book No. 48.

VII. ORDINANCES AND PUBLIC HEARINGS: the Clerk read the disclaimer.

- A. 37-2017 Public hearing - hold public hearing and adopt Yuba County Water Agency amended Conflict of Interest Code. (Five minute estimate)(Roll call vote) County Counsel Angil Morris Jones recapped and responded to Board inquires.

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

MOTION: Move to close public hearing and adopt MOVED: Andrew Vasquez SECOND: Mike Leahy

AYES: Andrew Vasquez, Randy Fletcher, Mike Leahy, Doug Lofton, Gary Bradford

NOES: None ABSENT: None ABSTAIN: None

- B. 24-2017 Ordinance - Hold public hearing, waive second reading, and adopt ordinance repealing and reenacting as amended Chapter 8.80 of the Yuba County Ordinance Code relating to Shooting Restrictions in the unincorporated area of the County of Yuba. (Community Development and Services)(Ten minute estimate) (Roll call vote) Planner Kevin Perkins recapped language change request from the first reading and responded to Board inquires.

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

MOTION: Move to close the public hearing and adopt MOVED: Andrew Vasquez SECOND: Gary Bradford

AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

By roll call vote the Board adopted Ordinance No. 1561, which is on file in Ordinance Book No. 25.

- C. 35-2017 Ordinance - Hold public hearing, waive reading and introduce ordinance amending the number and time of regular board meetings. (Five minute estimate) (Roll call vote) County Counsel Angil Morris-Jones recapped requested changes to meeting schedule, and advised should the need occur, meetings could be adjourned to a date and time specific.

The Chair opened the public hearing, the following individual spoke: Clerk Recorder Terry Hansen

MOTION: Move to close the public hearing, waive first reading and introduce ordinance

MOVED: Andrew Vasquez SECOND: Gary Bradford

AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

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

- A. 39-2017 Letter from Sutter-Yuba Mosquito & Vector Control District regarding pesticide application notification.

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.

Supervisor Vasquez: Sexual predator placement in District 10 community

District Attorney Patrick McGrath responded to inquiries regarding an appeal, and town hall meeting and public outreach to address local community concerns

Supervisor Leahy: Tree trimmings and debris from Highway 70 off ramp at Feather River Boulevard

Doug Lofton: Committee appointment for Emergency Medical Care and Sierra Sacramento EMS

Supervisor Bradford: County's response to the Oroville Dam emergency

County Administrator Robert Bendorf:

- Emergency Manager Scott Bryan working with FEMA touring the county to assess reported storm damage
- Technology Review Committee Business continuity and recovery plan
- Regional perspective approach to Homelessness and next steps

- Appointed to the Governors “No Place Like Home” Commission by Governor Browns office

County Counsel Angil Morris-Jones: Received Board consensus to host Naturalization Swearing-In Ceremony Friday, June 30, 2017 at the Yuba County Government Center

X. CLOSED SESSION The Board retired into closed session at 10:49 a.m. and returned at 11:18 a.m. with all members present as indicated above.

A. 23-2017 Pending litigation pursuant to Government Code Section 54956.9 (d)(1) - Hedrick vs. Grant. County Counsel Angil Morris-Jones announced by unanimous decision the Board gave direction.

XI. ADJOURN 10:49 a.m.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By: Rachel Ferris, Deputy Clerk

Approved: _____

The County of Yuba

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



MARCH 7, 2017 – MINUTES

Call to order 6:00 p.m. with Supervisors Andy Vasquez, Mike Leahy, Doug Lofton, and Gary Bradford present. Supervisor Randy Fletcher was absent. Also present were County Administrator Robert Bendorf and County Counsel Angil Morris-Jones.

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

MOTION: Move to approve Consent Agenda MOVED: Doug Lofton SECOND: Mike Leahy
AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford
NOES: None ABSENT: Randy Fletcher ABSTAIN: None

A. Board of Supervisors

1. 56-2017 Appoint Supervisor Lofton representative to Emergency Medical Care Board of Directors; appoint Supervisor Bradford alternate to Emergency Medical Care and Sierra-Sacto Valley EMS Board of Directors and appoint Supervisor Bradford alternate to CSAC Board of Directors. (No background material) Approved.
2. 43-2017 Rescind appointment of John Lindsay as District Two Planning Commission Representative due to not residing in District Two. (No background material) Approved.
3. 60-2017 Appoint Dizarea Webber to Yuba County Community Services Commission District Three representative for a term to end December 31, 2020. Approved.

B. Clerk of the Board of Supervisors

1. 48-2017 Approve minutes from meetings February 7 and 14, 2017. Approved.

C. Emergency Services

1. 57-2017 Adopt resolution proclaiming ongoing local emergency due to Oroville Dam event. Adopted Resolution No. 2017-18 which is on file in Yuba County Resolution Book No. 48.
2. 58-2017 Adopt resolution proclaiming the existence of ongoing local emergency due to flood waters in the County of Yuba. Adopted Resolution No. 2017-19 which is on file in Yuba County Resolution Book No. 48.

3. 59-2017 Adopt resolution proclaiming ongoing local emergency regarding tree mortality. Adopted Resolution No. 2017-20 which is on file in Yuba County Resolution Book No. 48.

D. Health and Human Services

1. 29-2017 Approve first amendment to rental agreement with Extra Self Storage and authorize Chair to execute. Approved.

E. Human Resources

1. 45-2017 Approve agreement between the County of Yuba and the Non-Represented employees regarding CalPERS employees' additional portion of employers share of costs for Fiscal Year 2017/2018 and authorize the Chair to execute. Approved.

IV. PUBLIC COMMUNICATIONS: None.

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

- A. 35-2017 Ordinance - hold public hearing, waive reading and introduce ordinance amending the number and time of regular board meetings. (Five minute estimate) (Roll call vote) County Counsel Angil Morris-Jones recapped changes and responded to inquiries including how items would be scheduled for 6:00 p.m. on an agenda.

Vice-Chair Vasquez opened the hearing.

The following individuals spoke:

- Ms. Leslie Allen
- Mr. Jason Brumfield
- Mr. Brook Hilton
- Mr. John Mistler

County Administrator Robert Bendorf provided clarification on purpose of changes

Vice-Chair Vasquez closed the public hearing and requested consideration of one night meeting.

Motion: Move to modify ordinance to change meeting schedule to meet 2nd Tuesday at 6:00 pm and 4th Tuesday at 9:00 a.m.

MOVED: Mike Leahy SECOND: Gary Bradford

AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford

NOES: None ABSENT: Randy Fletcher ABSTAIN: None

MOTION: Move to waive reading and introduce ordinance

MOVED: Mike Leahy SECOND: Gary Bradford

AYES: Andrew Vasquez, Mike Leahy, Doug Lofton, Gary Bradford

NOES: None ABSENT: Randy Fletcher ABSTAIN: None

Ms. Morris-Jones advised the second reading would be March 21, 2017 at 9:30 a.m.

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

- A. 40-2017 Letter from SafetyBeltSafeUSA regarding Safety Seat Checkup Week April 2 - 8, 2017. Received.

B. 49-2017 Five notices from Fish and Game Commission relating to regulatory actions. Received.

VII. BOARD AND STAFF MEMBERS REPORTS: This time is provided to allow Board and staff members to report on activities or to raise issues for placement on future agendas.

Supervisor Bradford:

- Yuba Sutter Chamber of Government Affairs Committee March 7
- Met with Probation Department staff
- Assemblyman Gallagher meeting last week in Butte County regarding state response to Oroville Dam issue

Supervisor Lofton: Star Bend Boat Ramp re-opened

Supervisor Leahy:

- Constituent meeting held March 6
- Cannabis Ordinance

Supervisor Vasquez: SACOG meeting February 9 regarding transportation funding

VIII. CLOSED SESSION: The Board retired into closed session at 7:02 p.m. and returned at 8:00 p.m.

- A. 34-2017 Potential litigation pursuant to Government Code 54956.9(d)(2) - One Case – Not needed.
- B. 23-2017 Pending litigation pursuant to Government Code Section 54956.9 (d)(1) - Hedrick vs. Grant No report.
- C. 30-2017 Labor negotiations pursuant to Government Code 54957(a) - DSA/County of Yuba Negotiator Jill Abel Authorization given by unanimous vote.

IX. ADJOURN: 8:01 p.m.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: _____



The County of Yuba

Community Development and Services Agency

TO: Board of Supervisors

FROM: Community Development and Services Agency, Tim Young

SUBJECT: Authorization to award and execute agreement with Parsons Brinckerhoff, Inc. to provide professional design guidance services for the Rice's Crossing Road Bridge Replacement project pending County Counsel approval.

DATE: March 7, 2017

NUMBER: 41/2017

RECOMMENDATION:

The Public Works Department recommends that the Board of Supervisors approve, and authorize its chairman to execute the agreement with Parsons Brinckerhoff, Inc. to provide professional design guidance services to perform work for the Rice's Crossing Road Bridge Replacement project.

BACKGROUND:

The existing bridge along Rice's Crossing is currently rated as structurally deficient and is in need of replacement. The County has been working with SACOG and Caltrans to authorize funds for the design and construction of a replacement bridge. Funds for preliminary engineering work have been authorized and a request for proposals for professional design guidance services was circulated. The County received two proposals from consultants. County staff reviewed and ranked the proposals resulting in a decision to recommend award of the work to Parsons Brinckerhoff, Inc. in the amount of \$205,369. Construction of the bridge is tentatively scheduled for 2019.

DISCUSSION:

The work provided will consist of design guidance services for the bridge structure. The County will be responsible for roadway design, right of way acquisition, utility coordination, and project management. The purpose of this project is to replace a structurally deficient bridge with a new structure that meets current standards.

COMMITTEE ACTION:

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

FISCAL IMPACT:

Design guidance services for the preparation of the bridge plans, specifications and estimate will not exceed \$205,369. The design for this project will be 100% funded through the Federal Highway Bridge Program (HBP) and Toll Credits.

Attachments

The County of Yuba

Community Development and Services Agency



TO: Board of Supervisors

FROM: Community Development and Services Agency, Jason Kopping

SUBJECT: Community Development and Services Agency: Authorize Budget Adjustment in the amount of \$15,000 from Fixed Asset Structure to Equipment for purchase of Sycamore Ranch reservation and ticketing kiosk.

DATE: 03/21/2017

NUMBER: 67/2017

Recommendation

Authorize Budget Adjustment in the amount of \$15,000 from Fixed Asset Structure to Equipment for purchase of Sycamore Ranch reservation and ticketing kiosk.

Background

The goals and objectives for this Fiscal Year's budget included an affordable pedestrian foot-bridge between Hammon Grove and Sycamore Ranch. The pedestrian bridge project has been completed and there remain unused monies in the Fixed Asset budget.

In addition to the foot bridge objective there is a goal, this fiscal year, to evaluate camp reservation solutions. This analysis has been completed. Given that the foot bridge is complete and monies remain in budget, CDSA would like to redirect some of the remaining monies and purchase a self-service reservation and ticketing kiosk to be installed at Sycamore Ranch.

Discussion

The reservation and ticketing kiosk is a standard solution being used elsewhere to meet the needs of communities. The kiosks are built to withstand the elements. No cash will be contained in the kiosk. Credit card processing will be supported by the kiosk.

Committee Action:

This request is a routine redirect of existing Fixed Asset monies.

Fiscal Impact:

The approval to move forward with a self-service kiosk and accompanying online reservation solution is anticipated to increase the use of the campground and associated revenues while mitigating the costs associated with managing individual reservations with the current manual process.

Attachments

67-2017 Budget Adjustment Request Form

AUDITOR-CONTROLLER'S OFFICE
BUDGET ADJUSTMENT REQUEST FORM

PREPARED BY/PHONE Vicki Worthley

EXPLANATION FOR BUDGET ADJUSTMENT:
Redirecting funds available due to cost savings that were originally appropriated and approved for parks floating walkway to cover expenses necessary for the park kiosk.

BUDGET TRANSFER # _____
(assigned by ACO)

EXTERNAL		MUST INCLUDE DOCUMENTATION FOR THE ADDITIONAL FUNDING
INTERNAL		MUST INCLUDE A JOURNAL REQUEST FORM or ACCOUNT BALANCE OF SOURCE FUND(S)

APPROVALS: Availability and appropriateness of budget amounts, balances, and accounts of the above has been verified and approved.

1) DEPARTMENT HEAD: _____ 3) AUDITOR-CONTROLLER: _____
 SIGNATURE OF AUTHORIZED OFFICIAL DATE SIGNATURE DATE

2) COUNTY ADMINISTRATOR: _____ 4) BOARD OF SUPERVISORS: _____
SIGNATURE DATE (if necessary) SIGNATURE DATE

*****AUDITOR USE ONLY BELOW THIS LINE*****

GENERAL LEDGER:

FUND	BASE	4000/8000	DR	CR
	280			
	280			
	280			
	280			

COMPLETED BY: _____

SIGNATURE

DATE

Instructions for Completing Budget Adjustment Request Form

Form Type:

The Budget Adjustment Request Form should be completed electronically in the format provided and explained in detail below.

Order of Completion:

Steps 5 and 6 are not always required

- Step 1 Department overseeing budget completes the form electronically.
- Step 2 Department prints form on standard blank white paper, obtaining original authorized signature.
- Step 3 Department will route or deliver form to County Administrator for review and signature.
- Step 4 County Administrator will route or deliver form to Auditor-Controller for review and signature.
- Step 5 If necessary, Auditor-Controller will route or deliver form to department or Board of Supervisors
- Step 6 Once BOS approves, BOS will route or deliver form to Auditor-Controller
- Step 7 Auditor-Controller will verify and post BARF
- Step 8 Auditor-Controller will scan completed copies via email to CAO and departments after adjustments are made.

Completion Instructions:

Section

<i>Fiscal Year</i>	Fiscal Year the budget adjustment pertains to.
<i>Department</i>	Include the department name of the budget being adjusted/department that oversees budget.
<i>Prepared By/Phone#</i>	Individual name and phone number of the person that can answer questions about the adjustment(s).
<i>Revenue Appropriations</i>	All Revenue adjustments must be listed on this side. Input increases as a positive number and decreases as a negative number.
<i>Expenditure Appropriations</i>	All Expenditure adjustments must be listed on this side. Input increases as a positive number and decreases as a negative number.
<i>Total Net Revenue or Expenditure Increase/(Decrease)</i>	Total Net Revenue Increase/(Decrease) MUST equal Total Net Expenditures Increase/(Decrease)
<i>Explanation for Budget Adjustment</i>	Detailed justification or reasoning as to why the Board's original approved budget needs to be modified. If the explanation is too lengthy for the form, a supplemental memo or documentation can be attached. Vague explanations, such as "year-end true-up" or "mid-year clean-up" are not acceptable.
<i>Funding Source for Increases</i>	Evidence of funding source to justify the increase. For external, this could be an approval letter for a State grant, etc. For internal, a journal request form should be submitted. If there is a legitimate reason to not make the journal transfer at the time of the budget adjustment, please provide documentation of the account balance of source funds with an explanation as to why a journal could not be completed at the same time.
<i>Approvals</i>	<p><i>Purpose is to verify and approve the availability and appropriateness of budget amounts, balances, and accounts.</i></p> <ol style="list-style-type: none"> 1. <u>Department Head</u>: Required signature of department head or other authorized signer on the ACO signature card(s). 2. <u>County Administrator</u>: Required signature of CAO or CAO designated representative. 3. <u>Auditor-Controller</u>: Required signature of Auditor-Controller or ACO designated representative. 4. <u>Board of Supervisors</u>: Changes that require BOS approval are as follows: <ul style="list-style-type: none"> - Increases/Decreases in overall appropriations - Changes to Funding Sources (Revenues) - Adjusting appropriations between budget categories - Adjustments to appropriations for Travel or to Capital Expenditure accounts.
<i>Budget Transfer#</i>	DO NOT COMPLETE THIS SECTION. FOR AUDITOR-CONTROLLER USE ONLY.

The County of Yuba

County Administrator



TO: Board of Supervisors

FROM: Robert Bendorf, County Administrative Officer

SUBJECT: Approve authorization of a Regional Waste Management Authority (RWMA) grant application on the County's behalf for the Local Government Waste Tire Amnesty Event Grant Program by authorizing the County Administrator to execute submittal letter.

DATE: March 21, 2017

NUMBER: 44/2017

Recommendation

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

Discussion

The RWMA is preparing a grant application for submittal to the California Department of Resources Recycling and Recovery (CalRecycle) for the 2017/18 cycle of the Local Government Waste Tire Amnesty Grant Program for implementation in Fiscal Year 2017/18 and Fiscal Year 2018/19. This application is being submitted as a regional program under the authority of the RWMA joint powers agreement.

The tire amnesty portion of the program will be designed to motivate residents to clean-up nuisance tires and small tire piles through the provision of free coupons for direct haul to local transfer stations plus an allowance for waste tire bins for community clean-up events in each of the fiscal years. Tires will not be accepted from tire businesses or commercial generators. Residents with a coupon will be permitted to drop-off up to 20 auto or light truck tires and each household will be eligible for one coupon per fiscal year. The public education component of the program will focus on proper tire disposal; proper tire care to extend tire life; and, on the health, safety and environmental issues associated with waste tires. The grant request will be for \$27,126 in program funding.

The RWMA Board authorized the submittal of an application at their meeting on March 16, 2017. The grant also requires authorization from each participating jurisdiction in the regional program for the RWMA to act on its behalf. This authorization can be in the form of a letter executed by the County Administrator.

Committee Action

No committee recommendation was sought due to the routine nature of the action.

Fiscal Impact

There are no known costs to the County for these grant funds.

The County of Yuba

OFFICE OF THE COUNTY ADMINISTRATOR

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



ROBERT BENDORF

44-2017 Approve ... - 3 of 3

DEPUTY COUNTY ADMINISTRATOR

RUSS BROWN

COMMUNICATIONS & LEGISLATIVE AFFAIRS
COORDINATOR

AMANDA NIX

EXECUTIVE ASSISTANT TO THE
COUNTY ADMINISTRATOR

March 21, 2017

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

**RE: Authorization Letter for the Regional Waste Management authority to
Apply for a CalRecycle FY 2017/2018 Local Government Waste Tire Amnesty
Grant (TA4 Cycle)**

Dear Mr. Martin:

I am the County Administrative Officer of Yuba County. I am authorized to contractually bind the County of Yuba. Pursuant to this authority, the County of Yuba authorizes the Regional Waste Management Authority to submit a regional application including the County of Yuba as grant participant and the Regional Waste Management Authority as the lead agency and applicant for FY 2017/2018 Local Government Waste Tire Grant Program (TA4 Cycle). The Regional Waste Management Authority is authorized to execute all documents necessary to implement the grant under the Local Government Waste Tire Amnesty Grant Program, TA4.

This authorization is effective until August 31, 2019.

Sincerely,

Robert Bendorf
County Administrative Officer

RB/ann

THIS PAGE INTENTIONALLY LEFT BLANK



The County of Yuba

Health and Human Services Department

TO: Board of Supervisors

FROM: Jennifer Vasquez, Director
John Crocker, Program Manager
Health and Human Services Department

SUBJECT: Health and Human Services: To approve the amendment to agreement with Comfort Keepers

DATE: March 21, 2017

NUMBER: 47/2017

Recommendation

It is recommended that the Board of Supervisors approve the first amendment to the current agreement between its Health and Human Services Department and Comfort Keepers #374 for adult services under the Multipurpose Senior Services Program (MSSP).

Background:

Yuba County Purchasing and Contract Policy Manual, Section 6.3(f) Consultant and Professional Services Contracts states, in part, that contract increases greater than "ten percent (10%) of the original contract amount or for more than \$10,000.00" require Board of Supervisors approval.

Discussion:

HHSD is currently contracted with Comfort Keepers #374 for adult day care services for clients eligible for the Multipurpose Senior Services Program (MSSP). The purpose of this first amendment is to increase the maximum amount payable under this agreement from \$1,200 to \$3,000 to cover the additional costs to be incurred.

Committee Action:

Committee was bypassed as there is no general fund impact.

Fiscal Impact:

Approval of this authorization will not impact County General Funds as these costs will be paid through the MSSP grant.

Attachments

47/2017 First amendment to agreement between County and Comfort Keepers #374 for adult services under the Multipurpose Senior Services Program (MSSP).

**FIRST AMENDMENT TO THE AGREEMENT
FOR PROFESSIONAL SERVICES
BETWEEN THE COUNTY OF YUBA
AND COMFORT KEEPERS #374**

This is the First Amendment to the Agreement, dated August 18, 2016, between the County of Yuba ("the COUNTY"), on behalf of its Health and Human Services Department (HHSD), and Comfort Keepers #374 for adult day care services, provided to the clients eligible for the Multipurpose Senior Services Program (MSSP) as required by the California Department of Aging (CDA) for the period of July 1, 2016, and ending June 30, 2017.

Pursuant to Operative Provision D.21 "Modifications," of the basic agreement, the following change is hereby made:

1. **Provision B.1 MAXIMUM AMOUNT PAYABLE of Attachment B** is hereby amended to read in its entirety as follows:

COUNTY shall pay CONTRACTOR an amount not to exceed Three Thousand Dollars (\$3,000.00) for the fiscal year in accordance with the rates specified in Attachment G, Service and Fee Schedule. In no event shall total compensation paid to CONTRACTOR under this Provision B.1 exceed Three Thousand Dollars (\$3,000.00) without a formal written amendment to this Agreement approved by the Director of the Yuba County Health and Human Services Department.


All remaining provisions of the Agreement for Professional Services between the COUNTY and CONTRACTOR entered into on August 18, 2016, shall remain in full force and effect.

In witness thereof, the parties hereto have executed this First Amendment to the Agreement on _____, 2017.

"COUNTY"
COUNTY OF YUBA


_____, Chair

"CONTRACTOR"
COMFORT KEEPERS #374



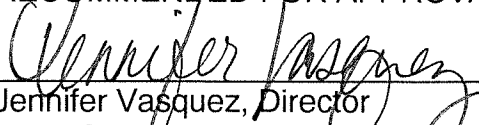
Neil Goforth, President/Owner
Tax I.D. No. 27-0028734

APPROVED AS TO FORM:



Angil P. Morris-Jones,
County Counsel

RECOMMENDED FOR APPROVAL:



Jennifer Vasquez, Director
Yuba County Health and Human
Services Department

THIS PAGE INTENTIONALLY LEFT BLANK



The County of Yuba

Human Resources and Organizational Services

TO: Board of Supervisors

FROM: Human Resources and Organizational Services, Jill Abel
Health and Human Services Department, Jennifer Vasquez

SUBJECT: Human Resources and Health and Human Services: Approve the implementation of the Public Health Nurse Retention Incentive Program Policy and authorize the Chair to execute an Amendment to the Master Labor Agreement (MLA) between the County of Yuba and the Yuba County Employees' Association

DATE: March 21, 2017

NUMBER: 53/2017

Recommendation

Human Resources and Health and Human Services Department: Approve the implementation of the Public Health Nurse Retention Incentive Program Policy and authorize the Chair to execute an Amendment to the Master Labor Agreement (MLA) between the County of Yuba and the Yuba County Employees' Association.

Discussion

Over the last decade, the County has experienced a chronic and severe problem recruiting and retaining Public Health Nurses (PHN). In recent years, we have implemented a myriad of ideas to address the problem, including increasing the base salary on multiple occasions, introducing a PHN Intern position to allow candidates time while employed to apply for their PHN Certificate and offering flexible work schedules. While these efforts have provided some positive results, they have not significantly diminished the attrition rates for this classification. There are two major obstacles we face: 1) a limited qualified applicant pool; and 2) competing with hospitals and other private health care providers for the same applicant pool.

Currently, the Health and Human Services Department (HHSD) has 17 allocated PHN positions, eight of which are vacant. With this 47% vacancy rate, it is a challenge for HHSD to achieve its goals of increasing access to needed medical services and promoting healthy lifestyle choices through education, prevention and intervention services. Since recruiting and retaining PHNs is required for most Public Health programs and their associated grant funding, the County must face the aforementioned challenges with creativity. It is proposed that the County offer retention incentive compensation to eligible PHN employees to entice current PHNs to remain with the County and prospective PHNs to apply.

Eligible PHN employees that meet the qualification criteria described in the attached Policy would be paid an annual retention incentive beginning after their first year in a PHN classification and concluding on year five, in each PHN classification. The attached policy and MLA Amendment authorizes the County to compensate eligible PHN employees as a retention incentive. In five years, this Program will be evaluated by the County and union to determine its effectiveness.

Committee Action


The Finance and Administration Committee approved the item for Consent on March 7, 2017.

Fiscal Impact

This fiscal impact for the 2016/2017 fiscal year is anticipated to be \$3,500, all of which will be offset with non-general funding.

Attachments

Public Health Nurse Retention Incentive Program Policy
Amendment to the MLA for PHN Retention Incentive

	<p>COUNTY OF YUBA POLICY MANUAL</p>	<p>POLICY NO.: HROS 2-101 PAGE 1 OF 2</p> <div>53-2017 Approve ... - 3 of 6</div> <p>ORIGINATION DATE: MARCH 2017</p>
<p>Title:</p> <p>Public Health Nurse Retention Incentive Program Policy</p>		<p>Approved By:</p> <p>Board of Supervisors on March 21, 2017</p>

Purpose:

For the Public Health Division within the Health & Human Services Department to recruit and retain Public Health Nurses to meet the needs of the Yuba County community.

Policy:

To offer retention incentive compensation to eligible Public Health Nurses (PHN) to encourage our PHNs to remain employed with Yuba County. While employed in a Public Health Nurse I/II flexibly staffed classification, a Public Health Nurse III classification, Supervising Public Health Nurse I or Supervising Public Health Nurse II classification, an eligible employee will receive an annual retention incentive compensation on his/her position anniversary date, up to year five in each of the listed classifications.

Qualification Criteria

1. To be eligible an employee must be employed as a non-exempt Public Health Nurse I/II, Public Health Nurse III, Supervising Public Health Nurse I or Supervising Public Health Nurse II;
2. To be eligible an employee must possess a valid certification as a Public Health Nurse in the State of California;
3. Each eligible employee must be employed at the beginning of his/her position anniversary year through the conclusion of each position anniversary year;
4. Eligible employees must achieve a “meets standards” or above on his/her annual performance evaluation; and
5. As an eligible employee promotes within the Public Health Nursing series, the placement on the retention incentive schedule will start over based on the employee’s position date.

Procedure:

Eligible employees that meet the qualification criteria described herein will be paid an annual retention incentive beginning on year one and concluding on year five, in each of the Public Health Nurse classifications. The retention incentive compensation will be given to an eligible employee on the payroll period following an employee’s position anniversary date.

The Director of Health and Human Services or his/her designee must submit an approved Human Resources status form to Human Resources, which once approved will be given to the Auditor's Office, to initiate the retention incentive for an eligible employee.

Once an eligible employee's qualifications have been determined according to the provisions included herein, an approved Human Resources status form will be required annually for each eligible employee unless there is a change in the eligible employee's qualification status or a break in service has occurred.

This Program will sunset five years from its commencement or no later than December 31, 2022, and will not continue unless renewed based upon a review of the entire program's effectiveness by the County and YCEA.

Compensation:

Once an eligible employee qualifies for the retention incentive compensation in accordance with this policy, s/he will receive such compensation pursuant to the applicable union agreement.

AMENDMENT TO THE MASTER LABOR AGREEMENT
Between
The County of Yuba and
Yuba County Employees' Association, Local #1

The County of Yuba (County) and YCEA, Local #1 (YCEA) have previously met and conferred and agreed upon the current Master Labor Agreement (MLA), for which the term runs through June 30, 2017.

The parties have now met and conferred further pursuant to Government Code §3500 et seq and have mutually agreed to modify the current MLA, to reflect additional terms and conditions of employment pertaining to the non-exempt Public Health Nursing class series as follows:

ARTICLE 13 – ADDITIONAL COMPENSATION

Section 13.05 – Retention Incentive for Public Health Nursing series

Non-exempt Public Health Nurse employees that qualify pursuant to the Public Health Nurse Retention Incentive Program Policy shall be paid incentive compensation as follows:

Year 1 - \$1,000
Year 2 - \$1,500
Year 3 - \$2,000
Year 4 - \$2,500
Year 5 - \$3,000

Retention incentive pay will be payable annually, up to year five in each Public Health Nursing classification, on an eligible employee's position anniversary date.

If an eligible employee receives less than an overall "meets standards" on his/her annual performance evaluation, the employee will not receive the retention incentive compensation for that year.

If an eligible employee promotes within the Public Health Nursing series as defined in the Policy, the retention incentive compensation will start over at Year 1.

If an eligible employee has been employed in a Public Health Nurse classification for over five years at the time this Amendment is ratified, said employee will receive a one-time \$3,000 retention incentive compensation on his/her position anniversary date. If said employee promotes within the Public Health Nursing series, the retention incentive will start at Year 1 in accordance with this Section and the Public Health Nurses Retention Incentive Program Policy.

If an eligible employee has been employed in a Public Health Nurse classification within the

retention incentive compensation schedule at the time this Amendment is ratified, said employee will receive the appropriate retention incentive compensation on his/her position anniversary date. If said employee promotes within the Public Health Nursing series, the retention incentive will start at Year 1 in accordance with this Section and the Public Health Nurses Retention Incentive Program Policy.

The Public Health Nurses Retention Incentive Program will sunset five years from its commencement or no later than December 31, 2022, and will not continue unless renewed based upon a review of the entire Program's effectiveness by Yuba County and YCEA.

The parties agree that this amendment represents their full agreement on this matter and that they are not subject to further meeting and conferring on this matter, unless by mutual agreement.

Date:

Date:

County of Yuba

Yuba County Employees Assoc., Local #1

The County of Yuba

County Administrator



TO: Board of Supervisors

FROM: Emergency Operations Manager, Scott Bryan

SUBJECT: Office of Emergency Services: Approve ongoing local emergency proclamation due to historic rainfall.

DATE: March 21, 2017

NUMBER: 63/2017

Recommendation:

The Board of Supervisors adopt a resolution proclaiming the existence of an ongoing local emergency due to historic rainfall in the County of Yuba.

Background:

The County of Yuba has been affected by the existence of extreme peril to the safety of persons and property within the county caused by historic rainfall, which began on February 1, 2017, and the inundation of floodwaters. The State of California has seen historic precipitation causing damage to public and private property, for which damages cannot yet be calculated and local resources in Yuba County are faced with conditions that exceed their functional capabilities.

Discussion:

On February 22, 2017, the Yuba Director of Emergency services did proclaim the existence of a local emergency due to historic rainfall and floodwaters pursuant to county ordinance 4.20.

Fiscal Impact:

Fiscal impact is unknown at this time due to the ongoing efforts to calculate the full extent of damages.

Attachments:

63/2017: Resolution to Proclaim

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

RESOLUTION:

THE BOARD OF SUPERVISORS)	
ADOPT A RESOLUTION)	
PROCLAIMING THE EXISTENCE OF)	
AN ONGOING LOCAL EMERGENCY)	
DUE TO HISTORIC RAINFALL IN THE)	
COUNTY OF YUBA.)	RESOLUTION NO. _____

WHEREAS, County Ordinance Code 4.20 empowers the Yuba County Board of Supervisors to proclaim the existence of a local emergency in the County when the County is affected by the existence or threatened conditions of emergency or extreme peril to the safety of persons and property within the County; and

WHEREAS, conditions of extreme peril to the safety and property of residents have arisen in Yuba County, caused by historic rainfall, which began on February 1, 2017, and the inundation of flood waters; and

WHEREAS, The State of California has seen historic precipitation causing damage to public and private property, for which damages cannot yet be calculated; and

WHEREAS, local resources in Yuba County are faced with conditions that exceeds their functional capabilities; and

WHEREAS, on February 22, 2017 the Yuba County Director of Emergency Services did proclaim the existence of a local emergency due to historic rainfall and flood waters pursuant to county ordinance 4.20; 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 an ongoing local emergency due to historic rainfall and flood waters; and

WHEREAS, 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.

///

///

///

///

///

///

///

///

///

///

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, that a local emergency exists in the County of Yuba and the Board of Supervisors Proclaims through this resolution the existence 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 _____ 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

APPROVE AS TO FORM:
COUNTY COUNSEL

The County of Yuba

Sheriff - Coroner



TO: Board of Supervisors

FROM: Steven L. Durfor, Sheriff - Coroner

SUBJECT: Sheriff-Coroner: Drug Enforcement Administration Agreement with U.S. Department of Justice

DATE: March 21, 2017

NUMBER: 72/2017

Recommendation

Approve the Agreement between the Sheriff's Department and U.S. Department of Justice, Drug Enforcement Administration to provide law enforcement services relating to the eradication and suppression of illicit marijuana, and authorize Chair to execute.

Background

This is an annual agreement, which has been in effect for many years and requires Board of Supervisor's approval to provide law enforcement services for the eradication of illicit cannabis plants and in the investigation and prosecution of these cases. The agreement covers the period of October 1, 2016 through September 30, 2017, and provides funding in the amount of \$25,000.

Discussion

This is the continuation of an agreement that is a benefit to both the Sheriff's Department and the Drug Enforcement Administration. The agreement will provide a total of \$25,000 in additional law enforcement revenue. The Sheriff will provide law enforcement personnel in accordance with the attached agreement.

Committee Action

Due to the routine nature of this request, this item was placed directly on the Board of Supervisor's agenda.

Fiscal Impact

No additional cost to the Sheriff's Department or General Fund. Revenues from the Department of Justice will cover the necessary costs relating to the eradication and suppression of illicit marijuana.

Attachments

72/2017 Drug Enforcement Letter of Agreement 2017-58



**U.S. Department of Justice
Drug Enforcement Administration**

www.dea.gov

Springfield, Virginia 22152

Agreement Number 2017-58

This Letter of Agreement (LOA) is entered into between the ***YUBA COUNTY SHERIFF'S DEPARTMENT***, hereinafter referred to as (***THE AGENCY***), and the DRUG ENFORCEMENT ADMINISTRATION (DEA) OF THE UNITED STATES DEPARTMENT OF JUSTICE (DOJ), hereinafter referred to as DEA, in reference to the following:

There is evidence that trafficking in marijuana (illicit cannabis) has a substantial and detrimental effect on the health and general welfare of the people of the ***State of California***. The parties hereto agree that it is to their mutual benefit to cooperate in locating and eradicating illicit cannabis plants and to investigate and prosecute those cases before the courts of the United States (U.S.) and the courts of the ***State of California***. DEA, pursuant to the authority of 21 U.S.C. § 873, proposes to provide certain necessary funds and ***THE AGENCY*** is desirous of securing funds.

NOW, therefore, in consideration of the mutual covenants hereinafter contained, the parties hereto have agreed as follows:

1. ***THE AGENCY*** will, with its own law enforcement personnel and employees, as hereinafter specified, perform the activities and duties described below:
 - a. Gather and report intelligence data relating to the illicit cultivation, possession, and distribution of illicit cannabis.
 - b. Investigate and report instances involving the trafficking in controlled substances.
 - c. Provide law enforcement personnel for the eradication of illicit cannabis located within the ***State of California***.
 - d. Make arrests and refer to the appropriate prosecutorial authority cases for prosecution under controlled substances laws and other criminal laws.
 - e. Send required samples of eradicated illicit cannabis to the National Institute on Drug Abuse (NIDA) Potency Monitoring Project.
 - f. ***MANDATORY requirement for THE AGENCY to utilize the Web-based DEA internet Capability Endeavor(DICE) or if applicable the Firebird based DEA Analysis/Response Tracking System (DARTS) to report all statistics and seizures per incident, to include the submission of significant items for de-confliction and information sharing purposes.***
 - g. Submit to DEA quarterly expenditure reports.

2. It is understood and agreed by the parties to this Agreement that the activities described in Sub-paragraphs a, b, c, d, e, f, and g of paragraph one shall be accomplished with existing personnel, and that the scope of **THE AGENCY's** program with respect to those activities by such personnel shall be solely at **THE AGENCY's** discretion, subject to appropriate limitations contained in the budget adopted by **THE AGENCY**, except that **THE AGENCY** understands and agrees that DEA funds and the result of expended funds (e.g. equipment, supplies and other resources) must be directly related to and must only be used for marijuana eradication program activities in a manner consistent with the Controlled Substances Act (CSA), 21 U.S.C. § 801 et seq.

DEA will pay to **THE AGENCY** Federal funds in the amount of **TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)** for the period of October 1, 2016 to September 30, 2017, to defray costs relating to the eradication and suppression of illicit cannabis.

3. These Federal funds shall only be used for the eradication of illicit cannabis as provided in this agreement. **THE AGENCY** understands and agrees that Federal funds provided to **THE AGENCY** under this Agreement will not be used to defray costs relating to herbicidal eradication of illicit cannabis without the advance written consent of DEA. DCE/SP funding is provided for the storage, protection, and destruction of illicit cultivated marijuana. Funding is not provided nor expenditures allowed for the development of technology to assist with the identification of indoor and/or outdoor growing sites. Additionally funding and expenditures are not permitted for the eradication of "Ditch Weed". **THE AGENCY** understands and agrees that Federal funds will not be used to perform any of the following functions: (i) issuing licenses, permits, or other forms of authorization permitting the holder to manufacture, distribute, sell, or use marijuana in contravention of the CSA; (ii) conducting ancillary activities related to the issuance of such licenses and permits, such as background checks on applicants; (iii) collecting state or local tax or licensing revenue related to the manufacture, distribution, or sale of marijuana in contravention of the CSA; (iv) preparing or issuing regulations governing the manufacture, distribution, sale, or possession of marijuana in contravention of the CSA; (v) monitoring compliance with state or local laws or regulations that permit the manufacture, distribution, sale, or use marijuana in contravention of the CSA; or (vi) the purchase of evidence and the purchase of information. The result of expended funds (e.g. equipment, supplies and other resources) must be directly related to and must only be used for marijuana eradication activities. While using the Federal funds provided to **THE AGENCY** under this Agreement for activities on Federal land, **THE AGENCY** agrees to notify the appropriate local office of the U.S. Department of Agriculture, (Forest Service) and the U.S. Department of the Interior (Bureau of Land Management, National Park Service, Fish and Wildlife Service, Bureau of Indian Affairs, and/or Bureau of Reclamation) of **THE AGENCY's** presence on Federal land.

4. The Federal funds provided to **THE AGENCY** are primarily intended for payment of deputies'/officers' overtime while those deputies and officers are directly engaged in the illicit cannabis eradication process, (per DOJ policy, the annual maximum overtime reimbursement rate is based on the current year General Pay Scale / rest of the United States and cannot exceed 25% of a GS-12, Step 1; the funds shall only be used to pay the

normal overtime rate, i.e. time and a half. The overtime reimbursement rate “shall not include any cost for benefits, such as retirement, FICA, or other expenses”, which is specifically prohibited by DOJ and for per diem and other direct costs related to the actual conduct of illicit cannabis eradication. Examples of such costs includes rental of aircraft, fuel for aircraft, and minor repairs and maintenance necessitated by use to support illicit cannabis eradication. These Federal funds are not intended as a primary source of funding for the purchase of equipment, supplies, or other resources. When Domestic Cannabis Eradication Suppression Program (DCE/SP) funds are used to purchase supplies, equipment, or other resources, those items must be directly related to and must only be used for marijuana eradication activities and may not be used to perform any of the following functions: (i) issuing licenses, permits, or other forms of authorization permitting the holder to manufacture, distribute, sell, or use marijuana in contravention of the CSA; (ii) conducting ancillary activities related to the issuance of such licenses and permits, such as background checks on applicants; (iii) collecting state or local tax or licensing revenue related to the manufacture, distribution, or sale of marijuana in contravention of the CSA; (iv) preparing or issuing regulations governing the manufacture, distribution, sale, or possession of marijuana in contravention of the CSA; or (v) monitoring compliance with state or local laws or regulations that permit the manufacture, distribution, sale, or use marijuana in contravention of the CSA. Under Section 524 (c) (1) (I)1 of title 28, United States Code, states that the Assets Forfeiture Fund may be used for payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State or local law enforcement officers that are incurred in a joint law enforcement operation with a Federal law enforcement agency participating in the Fund;”. **[Agency Initials]**

All purchases of equipment, supplies and other resources must be requested in writing, *through* the respective DEA Division, *to the Investigative Support Section (OMS)*. Requests must include manufacturer specifications and pricing of the item (including tax, if applicable) to be purchased. OMS will notify the state/local agency whether or not the purchase has been approved. **[Agency Initials]** Expenditures for equipment, supplies, and other resources should not exceed 10% of the total Federal funds awarded. Although equipment, supplies, and other resources may be specifically itemized in the Operation Plan, **are not automatically approved for purchase.** **[Agency Initials]** All requests for purchases must be received in HQ/OMS by July 15th. Exemptions to any of these requirements must have prior HQ/OMS approval.

Per the DOJ, none of the funds allocated to you may be used to purchase promotional items, gifts, mementos, tokens of appreciation, or other similar items. Prohibited purchases include items justified as training aids if they are embossed, engraved or printed with **THE AGENCY** or program logos. Additionally, the use of DCE/SP funds for Demand Reduction expenses is no longer authorized.

5. In compliance with Section 623 of Public Law 102-141, **THE AGENCY** agrees that no amount of these funds shall be used to finance the acquisition of goods or services unless **THE AGENCY**:

- (a) Specifies in any announcement of the awarding of the contract for the procurement of the goods and services involved the amount of Federal funds that will be used to finance the acquisition; and

- (b) Expresses the amount announced pursuant to paragraph (a) as a percentage of the total cost of the planned acquisition.

The above requirements only apply to procurements for goods or services that have an aggregate value of \$500,000 or more. Any goods or services acquired under this provision of the agreement must be directly related to and must only be used for marijuana eradication activities and may not be used to perform any of the following functions: (i) issuing licenses, permits, or other forms of authorization permitting the holder to manufacture, distribute, sell, or use marijuana in contravention of the CSA; (ii) conducting ancillary activities related to the issuance of such licenses and permits, such as background checks on applicants; (iii) collecting state or local tax or licensing revenue related to the manufacture, distribution, or sale of marijuana in contravention of the CSA; (iv) preparing or issuing regulations governing the manufacture, distribution, sale, or possession of marijuana in contravention of the CSA; or (v) monitoring compliance with state or local laws or regulations that permit the manufacture, distribution, sale, or use marijuana in contravention of the CSA.

6. If DEA approves the purchase of supplies (all tangible personal property other than "equipment" as defined by 28 C.F.R. § 66.32/66.33), and there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of this Agreement, and if the supplies are not needed for any other federally sponsored programs or projects, **THE AGENCY** shall compensate DEA for DEA's share and in any case the supplies will not be used directly or indirectly to support any state, county or local entity that authorizes cultivating marijuana or has direct oversight or regulatory responsibilities for a state authorized marijuana program. **THE AGENCY** agrees that any unused supplies not exceeding \$5,000 in total aggregate fair market value upon termination or completion of this Agreement will either be used for the marijuana eradication activities, returned to DEA, or destroyed, but in any case will not be used to perform any of the following functions: (i) issuing licenses, permits, or other forms of authorization permitting the holder to manufacture, distribute, sell, or use marijuana in contravention of the CSA; (ii) conducting ancillary activities related to the issuance of such licenses and permits, such as background checks on applicants; (iii) collecting state or local tax or licensing revenue related to the manufacture, distribution, or sale of marijuana in contravention of the CSA; (iv) preparing or issuing regulations governing the manufacture, distribution, sale, or possession of marijuana in contravention of the CSA; or (v) monitoring compliance with state or local laws or regulations that permit the manufacture, distribution, sale, or use marijuana in contravention of the CSA.

7. If DEA approves the purchase of equipment (tangible, non-expendable personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit) for the use of **THE AGENCY's** personnel engaged in illicit cannabis eradication under this Agreement, **THE AGENCY** will use, manage, and dispose of the equipment in accordance with 28 C.F.R. § 66.32/66.33, except that in no case, regardless of useful life and acquisition cost, will the equipment be used directly or indirectly to perform any of the following functions: (i) issuing licenses, permits, or other forms of authorization permitting the holder to manufacture, distribute, sell, or use marijuana in contravention of the CSA; (ii) conducting ancillary activities related to

the issuance of such licenses and permits, such as background checks on applicants; (iii) collecting state or local tax or licensing revenue related to the manufacture, distribution, or sale of marijuana in contravention of the CSA; (iv) preparing or issuing regulations governing the manufacture, distribution, sale, or possession of marijuana in contravention of the CSA; or (v) monitoring compliance with state or local laws or regulations that permit the manufacture, distribution, sale, or use marijuana in contravention of the CSA.

8. Payment by DEA to **THE AGENCY** will be in accordance with a schedule determined by DEA and said payment will be made pursuant to the execution by **THE AGENCY** of a Request for Advance or Reimbursement (SF-270) and receipt of same by DEA. However, no funds will be paid by DEA to **THE AGENCY** under this Agreement until DEA has received to its satisfaction an accounting of the expenditures of all funds paid to **THE AGENCY** during the previous year Agreement. The final/closeout expenditure report will be documented on a Financial Status Report (SF-425) and July thru September (FINAL) Accounting Form.

9. It is understood and agreed by **THE AGENCY** that, in return for DEA's payment to **THE AGENCY** for Federal funds, **THE AGENCY** will comply with all applicable Federal statutes, regulations, guidance, and orders, including previous OMB guidance under OMB **Circular A-102** (Grants and Cooperative Agreements With State and Local Governments), OMB **Circular A-87** (Cost Principles for State, Local and Indian Tribal Governments), and OMB **Circular A-133** (Audits of States, Local Governments and Non-Profit Organizations), which have been combined in 2 CFR 200, effective December 26, 2014. In addition, 2 C.F.R. Part 2867 (Non-Procurement Debarment and Suspension), 28 C.F.R. Part 83 (Drug-Free Workplace Act common rule), 28 C.F.R. Part 69 (Byrd Anti-Lobbying Amendment common rule) specifically apply. (Note: The LOA is reimbursable agreement, not a grant; therefore for purposes of the DCE/SP, DEA requires an audit completed regardless of the threshold amount listed in 2 CFR 200. The DCE/SP does not have an assigned Catalog of Federal of Domestic Assistance (CFDA) number. Audits can be conducted without a CFDA number. The auditor must send an email to the Federal Audit Clearinghouse erd.fac@census.gov with their agency's name and EIN number and the information will be forwarded to them. In conjunction with the beginning date of the award, the audit report period of **THE AGENCY** under the single audit requirement is **FY-17 (10/01/2016 through 09/30/2017)**).

10. **THE AGENCY** acknowledges that arrangements have been made for any required financial and compliance audits and audits will be made within the prescribed audit reporting cycle. **THE AGENCY** understands that failure to furnish an acceptable audit as determined by the cognizant Federal agency may be a basis for denial of future Federal funds and/or refunding of Federal funds and may be a basis for limiting **THE AGENCY** to payment by reimbursement on a cash basis. **THE AGENCY** further understands that its use of DEA funds or the result of expended DEA funds (e.g. equipment, supplies and other resources) for any use other than the marijuana eradication program activities, including but not limited to its use directly or indirectly to perform any of the following functions: (i) issuing licenses, permits, or other forms of authorization permitting the holder to manufacture, distribute, sell, or use marijuana in contravention of the CSA; (ii) conducting ancillary activities related to the issuance of such

licenses and permits, such as background checks on applicants; (iii) collecting state or local tax or licensing revenue related to the manufacture, distribution, or sale of marijuana in contravention of the CSA; (iv) preparing or issuing regulations governing the manufacture, distribution, sale, or possession of marijuana in contravention of the CSA; or (v) monitoring compliance with state or local laws or regulations that permit the manufacture, distribution, sale, or use marijuana in contravention of the CSA, will be a basis for denial of future Federal funds and/or refunding of Federal funds and may be a basis for limiting **THE AGENCY** to payment by reimbursement on a cash basis.

11. **THE AGENCY** shall maintain complete and accurate reports, records, and accounts of all obligations and expenditures of DEA funds under this Agreement in accordance with generally accepted government accounting principles and in accordance with state laws and procedures for expending and accounting for its own funds. **THE AGENCY** shall further maintain its records of all obligations and expenditures of DEA funds under this Agreement in accordance with all instructions provided by DEA to facilitate on-site inspection and auditing of such records and accounts.

12. **THE AGENCY** shall permit and have available for examination and auditing by DEA, the U.S. Department of Justice Office of Inspector General, the Government Accountability Office, and any of their duly authorized agents and representatives, any and all investigative reports, records, documents, accounts, invoices, receipts, and expenditures relating to this Agreement. In addition, **THE AGENCY** will maintain all such foregoing reports and records for three years after termination of this Agreement or until after all audits and examinations are completed and resolved, whichever is longer.

13. **THE AGENCY** agrees that an authorized officer or employee will execute and return to the DEA Regional Contractor, the LOA; Request for Advance or Reimbursement (SF-270); Electronic Funds Transfer Memorandum; Certifications Regarding Lobbying; Debarment, Suspension, & Other Responsibility Matters; Drug Free Workplace Requirements (OJP Form 406 1/6); and the Assurances (OJP Form 4000/3). **THE AGENCY** acknowledges that this Agreement will not take effect and that no Federal funds will be awarded by DEA until DEA receives the completed LOA package.

14. Employees of **THE AGENCY** shall at no time be considered employees of the U.S. Government or DEA for any purpose, nor will this Agreement establish an agency relationship between **THE AGENCY** and DEA.

15. **THE AGENCY** shall be responsible for the acts or omissions of **THE AGENCY's** personnel. **THE AGENCY** and **THE AGENCY's** employees shall not be considered as the agent of any other participating entity. Nothing herein is intended to waive or limit sovereign immunity under other federal or state statutory or constitutional authority. This Agreement creates no liability on the part of the DEA, its agents or employees, or the U.S. Government for any claims, demands, suits, liabilities, or causes of action of whatever kind and designation, and wherever located in the **State of California** resulting from the DCE/SP funded by DEA.

16. **THE AGENCY** shall comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, as amended, and all requirements imposed by or pursuant to the regulations of the U.S. Department of Justice implementing those laws, 28 C.F.R. Part 42, Subparts C, F, G, H, and I.

17. Within ten (10) days after termination of the Agreement, **THE AGENCY** will prepare an July thru September (FINAL) Accounting Form and a Financial Status Report SF-425, itemizing the breakdown of final expenditures. The July thru September (FINAL) Accounting Form and the SF-425, along with a refund check, payable to DEA funds not obligated or expended funds which were advanced by DEA pursuant to this Agreement, will be returned to the DEA Regional Contractor by October 14th.

18. Upon submission of the July thru September (FINAL) Accounting Form and Financial Status Report SF- 425 to your regional contractor for the preceding year, a copy of the general ledger and the underlying supporting documentation reflecting the expenditures for equipment in excess of \$2,500, that was previously approved by OMS, and the expenses associated with the rental or leasing of vehicles or aircraft must be attached.

19. The duration of this Agreement shall be as specified in Paragraph 2, except that this Agreement may be terminated by either party after 30 day written notice to the other party. All obligations that are outstanding on the above prescribed termination date or on the date of any thirty (30) day notice of termination shall be liquidated by **THE AGENCY** within sixty (60) days thereof, in which event DEA will only be liable for obligations incurred by **THE AGENCY** during the terms of this Agreement. In no event shall **THE AGENCY** incur any new obligations during the period of notice of termination. **THE AGENCY** shall return to DEA all unexpended funds forthwith after the sixty (60) day liquidation period. In the event that the agreement is terminated, any DEA funds that have been obligated or expended and the result of expended funds (e.g. equipment, supplies and other resources) will be used and disposed of in accordance with the provisions of this agreement.

20. **THE AGENCY** must be registered in the System for Award Management (SAM) to receive payment of Federal funds. There are two steps to registering in SAM. **First, THE AGENCY** must have a Data Universal Numbering System (DUNS) number. [A “+4 extension” to a DUNS number (DUNS+4) is required when there is a need for more than one bank/electronic funds transfer account for a location.] A DUNS number may be obtained via the internet (<http://fedgov.dnb.com/webform>) or by phone (U.S. and U.S. Virgin Islands: 1-866-705-5711; Alaska and Puerto Rico: 1-800-234-3867). **Second, THE AGENCY** must then register with SAM via the internet SAM www.sam.gov. Questions regarding the internet registration process may be directed to 1-866-606-8220 (follow the prompts for SAM). Both the DUNS number and registration in SAM are free of charge.

Note: It is THE AGENCY's responsibility to update their SAM registration annually or whenever a change occurs.

Letter of Agreement No. 2017-58

Page 8

THE AGENCY's current DUNS No. is 121526953.**THE AGENCY's** opportunity to enter into this Agreement with DEA and to receive the Federal funds expires thirty days from date of issuance. Agreement issued on February 10, 2017.**THE YUBA COUNTY SHERIFF'S DEPARTMENT**Printed Name & Signature: STEVEN L. DUBOIS (Blue Ink Only)Title: SHERIFF Date: 03/02/17*Agency, please submit original signed LOA & associated paperwork to your DEA Regional Contractor.***DRUG ENFORCEMENT ADMINISTRATION**

Printed Name & Signature: _____ (Blue Ink Only)

Special Agent in Charge - San Francisco Field Division

Date: _____

*SAC, please submit original signed LOA & associated paperwork to your Fiscal Office.***DEA DIVISIONAL FISCAL CLERK MUST INPUT INTO UFMS & COMPLETE THE BOTTOM OF THIS SECTION**

ACCOUNTING CLASSIFICATION/OBLIGATION NUMBER:

2017/S1R/OM/8210000/DOM-G2/01IB/DCE/OPS: _____

UFMS Input Date: _____ DNC No. _____

DNO No. _____ DDP No. _____

Printed Name: _____ Signature: _____

*Fiscal, please submit original signed LOA & associated paperwork to your DEA Regional Contractor.*APPROVED AS TO FORM
ANGIL P. MORRIS-JONES

COUNTY COUNSEL

BY: Courtney C. Jones

**REQUEST FOR ADVANCE
OR REIMBURSEMENT***(See instructions on back)*

OMB APPROVAL NO.

0348-004

72-2017 Approve ... - 10 of 14

1 2 PAGES

1. TYPE OF PAYMENT REQUESTED	a. <input checked="" type="checkbox"/> one or both boxes <input checked="" type="checkbox"/> ADVANCE <input type="checkbox"/> REIMBURSEMENT	2 BASIS OF REQUEST <input checked="" type="checkbox"/> CASH <input type="checkbox"/> ACCRUAL
	b. <input checked="" type="checkbox"/> the applicable box <input type="checkbox"/> FINAL <input type="checkbox"/> PARTIAL	

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED
DRUG ENFORCEMENT ADMINISTRATION

4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY

2017-58

5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST

6. EMPLOYER IDENTIFICATION NUMBER

94-6000549

7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER

8. PERIOD COVERED BY THIS REQUEST

FROM (MM-DD-YYYY)

10/1/2016

TO (MM-DD-YYYY)

09/30/2017

9. RECIPIENT ORGANIZATION

Name: **Yuba County Sheriff's Department**Number and Street: **215 5th Street, Suite 150****Marysville, CA 95901**

City, State and ZIP Code:

10. PAYEE (Where check is to be sent if different than Item 9)

Name:

Number and Street:

City, State and ZIP Code:

11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED

PROGRAMS/FUNCTIONS/ACTIVITIES ➡	(a) Original Letter of Agreement	(b)	(c)	TOTAL
a. Total program outlays to date (As of date)	\$25,000.00			\$25,000.00
b. Less: Cumulative program income				0.00
c. Net program outlays (Line a minus line b)	\$25,000.00	0.00	0.00	\$25,000.00
d. Estimated net cash outlays for advance period				0.00
e. Total (Sum of lines c & d)	\$25,000.00	0.00	0.00	\$25,000.00
f. Non-Federal share of amount on line e				0.00
g. Federal share of amount on line e	\$25,000.00			\$25,000.00
h. Federal payments previously requested				0.00
i. Federal share now requested (Line g minus line h)	\$25,000.00			\$25,000.00
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances	1st month			0.00
	2nd month			0.00
	3rd month			0.00

12. ALTERNATE COMPUTATION FOR ADVANCES ONLY

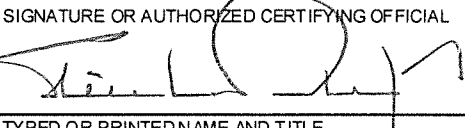
a. Estimated Federal cash outlays that will be made during period covered by the advance	\$
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period	
c. Amount requested (Line a minus line b)	\$ 0.00

AUTHORIZED FOR LOCAL REPRODUCTION

*(Continued on Reverse)*STANDARD FORM 270 (Rev. 7-97)
Prescribed by OMB Circulars A-102 and A-110

13.

CERTIFICATION

I certify that to the best of my knowledge and belief the data on the reverse are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.	SIGNATURE OR AUTHORIZED CERTIFYING OFFICIAL 	DATE REQUEST SUBMITTED 03/08/17
	TYPED OR PRINTED NAME AND TITLE Steven L. Durfor, Sheriff-Coroner	TELEPHONE (AREA CODE, NUMBER AND EXTENSION) (530) 749-7779

This space for agency use

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0004), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

INSTRUCTIONS

Please type or print legibly. Items 1, 3, 5, 9, 10, 11e, 11f, 11g, 11i, 12 and 13 are self-explanatory; specific instructions for other items are as follows:

- | Item | Entry | Item | Entry |
|------|--|------|---|
| 2 | Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis. | | activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page. |
| 4 | Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency. If the advance or reimbursement is for more than one grant or other agreement, insert N/A; then, show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made against the grant or agreement. | 11a | Enter in "as of date," the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and subrecipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, subgrantees and other payees. |
| 6 | Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (institution) code if requested by the Federal agency. | 11b | Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement. |
| 7 | This space is reserved for an account number or other identifying number that may be assigned by the recipient. | 11d | Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance. |
| 8 | Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested. | 13 | Complete the certification before submitting this request. |
- Note: The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports.
- 11 The purpose of the vertical columns (a), (b), and (c) is to provide space for separate cost breakdowns when a project has been planned and budgeted by program, function, or



CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510--

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620--

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant,

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ___ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ___ if the State has elected to complete OJP Form 4061/7.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620--

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

Yuba County Sheriff's Department
215 5th Street, Suite 150, Marysville, CA 95901

2. Application Number and/or Project Name

2017-58

3. Grantee IRS/Vendor Number

94-6000549

4. Typed Name and Title of Authorized Representative

Steven L. Durfor, Sheriff-Coroner

03/08/17

5. Signature

6. Date

(BLUE INK ONLY)



ASSURANCES

The Applicant hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-87, A-110, A-122, A-133; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements - 28 CFR, Part 66, Common rule, that govern the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or 10. similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information may be required.
2. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally - assisted programs.
3. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC 1501, et seq.)
4. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable.
5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. It will give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other 13. administrative requirements.
8. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, 14. approved December 31, 1976, Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" 15. includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
11. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569 a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
11. It will comply, and assure the compliance of all its subgrantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.
12. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
13. It will comply, and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
14. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.
15. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for \$500,000 or more.
16. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

Signature

(BLUE INK ONLY)

Date

Agency Name / LOA Number: Yuba County Sheriff's Dept./2017-58



The County of Yuba

Probation

TO: Board of Supervisors

FROM: Probation, Jason Roper

SUBJECT: Probation: Adopt resolution declaring April 02 – April 08, 2017 Crime Victims' Rights Week and allow the Probation Department's Victim Services unit to honor local law enforcement, District Attorney staff, community partner agencies and community members for outstanding service to crime victims of Yuba County and commemorate 32 years of Victim Services in Yuba County through the Probation Department and reaffirm the Board's recommendation for Probation to operate Victim Services.

DATE:

NUMBER: 50/2017

Recommendation

Adopt resolution declaring April 02 – April 08, 2017 Crime Victims' Rights Week and allow the Probation Department's Victim Services unit to honor local law enforcement, District Attorney staff, community partner agencies and community members for outstanding service to crime victims of Yuba County and commemorate 32 years of Victim Services in Yuba County through the Probation Department and reaffirm the Board's recommendation for Probation to operate Victim Services.

Background

The Yuba County Board of Supervisors has consistently supported the Yuba County Probation Departments, Victim Services unit through its recognition of Crime Victims' Rights Week in Yuba County. The Board has also helped the Yuba County Probation, Victim Services unit honor local law Enforcement, District Attorney Staff, community partners and community members for exemplary service to the crime victims of Yuba County each year.

Discussion

The Yuba County Probation Department's Victim Services unit has been instrumental in helping the crime victims of this County and surrounding counties. This request is for the County to observe and acknowledge the rights of crime victims. The request also includes a brief 20 minute presentation to honor members of local law enforcement and community members who have throughout the past year provided exceptional service to crime victims in Yuba County.

The Victim Services Program would like to recognize **Diana Beiler**, Clinical Social Worker for Yuba County Victim Services for her continued services with compassion and commitment to crime victims of Yuba County; and to Yuba County Sheriff's Department **Detective Sargent Tommy Oakes**, for his ongoing and tireless dedication to Law Enforcement and the protection of crime victims in the County of Yuba; and to **Shiloh Sorbello**, Deputy District Attorney for his countless effort to ensure justice in the courtroom for victims of crime; and to Yuba County Probation Officer, **Charles Williams** for his effort to ensure justice with compassion for the victims of Yuba County; and to **Patty Hunt**, Accounting Technician for Yuba County Victim Services for her dedication, exemplary services and commitment to crime victims of Yuba County; and to **Cheryce Williams**, Clinical Social Worker at Health and Human Services for her ongoing and dedicated services to the child crime victims of Yuba County; and to **Carl Skinner**, Bailiff for Yuba County Sheriff's Department for his compassion and kindness to crime victims of Yuba County; and to **James Vasquez**, Attorney at Law for his compassion in assisting crime victims in Yuba County; and to the **Brownsville Lutheran Church (BLC)** for their beautiful, handmade quilts that are donated to Yuba County Victim Services for victims of crime.

Additionally, the Victim Services Program would like to present Angelina Ruiz and Miguel Daniel Ruiz with the County Victim Services Hero and Courage award. These two young people have endured trauma, law enforcement interviews, court trials and years and years of torment. Through it all they have emerged as true hero's for this community and demonstrated more courage in their short lives than most adults

Committee Action:

No committee action is necessary.

Fiscal Impact:

There is no fiscal impact to the county general fund.

Attachments

50/2017 Resolution-Victim Rights Week

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA

IN RE:

RESOLUTION PROCLAIMING APRIL 02-
08TH, 2017 NATIONAL CRIME VICTIMS'
RIGHTS WEEK IN MEMORIAM AND HONOR
OF VICTIMS OF CRIME AND THOSE WHO
SERVE AND REAFFIRM THE BOARD'S
RECCOMENDATION FOR PROBATION
TO OPERATE VICTIM SERVICES.
_____)

RESOLUTION NO.: _____

WHEREAS, “*National Crime Victims’ Rights Week*” was declared in 1984 to focus on the needs of our Nation's crime victims; and

WHEREAS, this commemoration of *National Crime Victims’ Rights Week* provides a national opportunity to reflect on the devastating impact of crime on victims not only locally, but on our entire Nation, and to strengthen our national resolve to ensure that needs of victims are identified and addressed; and

WHEREAS, The national theme for Crime Victims Rights Week is “Strength. Resilience. Justice,” and the Yuba County Probation Department’s, Victim Services has adopted these three words as the guiding force this year; and

WHEREAS, we as individuals and a community, recognize that justice isn’t served until crime victims are afforded justice through the courts and the constitutional rights they are afforded in California are fully realized and this department strives to inform and enforce all rights; and,

WHEREAS, as we continue into the 21st century we are committed to creating a world where the legal and constitutional rights of victims are honored and that public agencies are accountable for their treatment of victims of crime; and

WHEREAS, the Yuba County Probation Department's, Victim Services is now entering its 32nd year of service to victims of crime in the Yuba County area and celebrating the 26th annual candlelight vigil; and

WHEREAS, Yuba County would like to honor all victims of crime by remembering those lost to senseless acts of violence and remember that every victim is a survivor who deserves the opportunity to be treated with dignity, fairness and respect. This Department strives to ensure that all crime victims are afforded and understand their constitutional rights through Marcy's Law; and

WHEREAS, The Victim Services Program would like to recognize **Diana Beiler**, Clinical Social Worker for Yuba County Victim Services for her continued services with compassion and commitment to crime victims of Yuba County; and to Yuba County Sheriff's Department **Detective Sargent Tommy Oakes**, for his ongoing and tireless dedication to Law Enforcement and the protection of crime victims in the County of Yuba; and to **Shiloh Sorbello**, Deputy District Attorney for his countless effort to ensure justice in the courtroom for victims of crime; and to Yuba County Probation Officer, **Charles Williams** for his effort to ensure justice with compassion for the victims of Yuba County; and to **Patty Hunt**, Accounting Technician for Yuba County Victim Services for her dedication, exemplary services and commitment to crime victims of Yuba County; and to **Cheryce Williams**, Clinical Social Worker at Health and Human Services for her ongoing and dedicated services to the child crime victims of Yuba County; and to **Carl Skinner**, Bailiff for Yuba County Sheriff's Department for his compassion and kindness to crime victims of Yuba County; and to **James Vasquez**, Attorney at Law for his compassion in assisting crime victims in Yuba County; and to the **Brownsville Lutheran Church (BLC)** for their beautiful, handmade quilts that are donated to Yuba County Victim Services for victims of crime.

WHEREAS, The Victim Services Program would like to present Angelina Ruiz and Miguel Daniel Ruiz with the County Victim Services Hero and Courage award. These two young people have endured trauma, law enforcement interviews, court trials and years and years of torment. Through it all they have emerged as true hero's for this community and demonstrated more courage in their short lives than most adults; and

WHEREAS, The Board of Supervisors recognizes it's foresight and resolve to locate the County Victim Witness Program in the County Probation Department with the overarching goal of providing, prevention, intervention and treatment for crime victims in Yuba County; and

WHEREAS, Yuba County Probation Department Victim Services is joining forces with law enforcement agencies, criminal justice officials, and concerned citizens throughout Yuba County, California and all of the United States of America to observe *National Crime Victims' Rights Week*; and

THEREFORE BE IT RESOLVED, that Yuba County proclaims the week of April 02nd through April 08th, 2017, to be ***Yuba County, Crime Victims' Rights Week***, and honors crime victims and those who serve them during this week and throughout the year; and

BE IT FURTHER RESOLVED, that as individuals, communities and a Nation, we value justice in America that includes and involves crime victims, and seek to serve justice by serving victims of crime;

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

AYES:

NOES:

ABSENT:

, Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

APPROVED AS TO FORM: COUNTY COUNSEL

County Counsel

THIS PAGE INTENTIONALLY LEFT BLANK



The County of Yuba

Administrative Services

TO: Board of Supervisors

FROM: Administrative Services, Andrea Armstrong

SUBJECT: Administrative Services: Adopt Resolution in support of the Tri County Juvenile Rehabilitation Facility (JRF) State match requirements funded in part by BSCC SB81 Round 1 and SB81 Round 2 Facility Construction Funding.

DATE: March 21, 2017

NUMBER: 61/2017

Recommendation

Rescind Resolution No. 2016-103 and adopt Resolution in support of the creation of a new Tri County Juvenile Rehabilitation Facility (JRF) and the State match requirements funded in part by BSCC SB81 Round 1 and SB81 Round 2 Facility Construction Funding.

Background

In partnership with Colusa and Sutter counties the three counties formed a Joint Powers Agreement in which each County committed to fund a share of the necessary match requirements required of the Board and State Community Corrections (BSCC) Local Youthful Offender Rehabilitation Facilities Construction Funding, also known as SB81 Round 1 and SB81 Round 2 Funding. This project includes the development and construction of a new Tri-County Juvenile Rehabilitation Facility that has 48 beds and will be approximately 24,000 square feet. The new facility will reside on the old South Annex property located on 14th street situated across the street from the current Juvenile facility.

Yuba County is the lead agency for this project and staff within Administrative Services lead the project, obtain approvals and gather insight from the other 2 county partners.

Discussion

As this project is State funded, there are many requirements that must be met as we navigate through the development of the project. One such requirement is that the Board of each of the 3 counties must assure the State that funding has been appropriated for the required match amounts and where those funds

reside. In October 2016, amounts were presented to each Board that reflected our “application amounts” versus the total “State funded project costs”. The amounts to be utilized in the resolutions were provided by the State and were incorrect. Therefore, Resolution Number 2016-103 requires rescission and this new resolution is being brought to your Board for adoption of the 40% share of costs of the state funded project costs.

For clarification, there are some costs for project related expenses that are not part of our state application and these are not included in the fiscal table below but were brought to your Board previously by the County Administrator for budgeting purposes. When budgeting, we plan for the actual “total estimated project costs” versus just what the state wants to see which is referred to as the “State funded project cost”.

Both Sutter County and Colusa County have reviewed and provided their feedback on this resolution and will be presenting their resolutions this month as well.

Committee Action

Due to the time sensitivity of this request, we have brought this item directly to your Board for consideration.

Fiscal Impact

The below table outlines the total amount share of costs for each County for the State funded project costs:

COUNTY	%	CASH	IN-KIND	TOTAL
Yuba	40%	1,229,122.40	289,200	1,518,322.40
Sutter	40%	1,229,122.40	289,200	1,518,322.40
Colusa	20%	614,561.20	144,600	759,161.20
Totals	100%	3,072,806.00	723,000	3,795,806.00

The Cash match columns is actual cash required of each of the counties. A large portion of the In-Kind match is staff time that will be quantified through a monthly project reporting from each of the three counties. Therefore, the In-Kind amount has a value and therefore must be outlined for budgeting purposes with the State as project related costs.

Attachments

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

**RESOLUTION RESCINDING
RESOLUTION NO. 2016-103 AND
APPROVING THE ACTIONS
NECESSARY IN SUPPORT OF THE
CREATION OF A NEW TRI- COUNTY
JUVENILE REHABILITATION
FACILITY IN MARYSVILLE FUNDED IN
PART BY SB81 ROUND 1 AND ROUND 2,
INCLUDING ASSURANCES
REGARDING APPROPRIATION OF
MATCH, SOURCE OF CASH MATCH,
DEDICATION OF FUNDS, AND
ADHERANCE TO JOINT POWERS
AGREEMENT**

RESOLUTION NO. _____

WHEREAS, In November 2010, Colusa County received an SB81 Local Youthful Offender Rehabilitation Facilities Construction Grant to develop a new juvenile facility, and through SB365 these funds have been redirected to Yuba County; and

WHEREAS, Yuba, Sutter, and Colusa Counties have mutually determined it is advantageous for the three Counties to use this funding for the construction a Tri-County Juvenile Rehabilitation Facility to replace major portions of the existing Juvenile Hall that do not comply with current and upcoming regulatory requirements; and

WHEREAS, Yuba County has been positioned as the lead agency in the development of this new Tri-County Juvenile Rehabilitation Facility; and

WHEREAS, the Tri-County Juvenile Rehabilitation Facility has been awarded \$15.3 million in SB81 Round 1 and Round 2 state funded allocations; and

WHEREAS, the three Counties have adopted a Joint Powers Agreement (JPA) to govern the new Tri-County Juvenile Facility, are already operating under the new guidelines, and have established a joint oversight committee to oversee operations and the development of the new facility; and

WHEREAS, under this JPA, the Counties of Yuba and Sutter shall each hold a 40% share of the costs of the construction of the facility and Colusa shall hold a 20% share.

WHEREAS, on October 4th, 2016 the Board of Supervisors approved Resolution Number 2016-103, which made assurances to the State, that the County had appropriated the match in the amount of eight hundred seventy nine thousand, nine hundred and eighteen (\$879,918.40).

WHEREAS, the aforementioned number provided by the State was incorrect and therefore Resolution Number 2016-103 requires rescission.

NOW, THEREFORE, BE IT RESOLVED, The Yuba County Board of Supervisors hereby rescinds Resolution Number 2016-103.

BE IT FURTHER RESOLVED, The Yuba County Board of Supervisors hereby assures the State that the County has appropriated the match in the amount of One Million Five Hundred Eighteen Thousand Three Hundred and Twenty Two dollars and forty cents (\$1,518,322.40); has identified the source of cash match, in-kind and other county costs; has appropriated in the Capital Improvement Fund 200 the cash match requirements; has appropriated in the Capital Project Fund 1210 the 40 percent share of the cash match, in-kind total and other county costs; and assures that state cash match, in-kind and other county costs do not replace funds otherwise dedicated or appropriated for construction activities.

///

///

///

///

///

///

///

///

BE IT FURTHER RESOLVED, The County of Yuba will meet the financial requirements for the construction of the Tri County Juvenile Rehabilitation Facility with funds appropriated accordingly and will adhere to the requirements as set forth in the Joint Powers Agreement.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the _____ day of _____, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Board Chair

ATTEST: Donna Stottlemeyer
CLERK OF THE BOARD OF SUPERVISORS

YUBA COUNTY COUNSEL
APPROVED AS TO FORM:

Countney C. H.

The County of Yuba

County Administrator



TO: Board of Supervisors

FROM: County Administrator, Russ Brown

SUBJECT: CAO: Review legislative position letters and authorize chair to sign.

DATE: March 21, 2017

NUMBER: 73/2017

Recommendation

Approve letters supporting SB 58, AB 174, and AB 496, and opposing the dismantling of the Coordinated Care Initiative and authorize chair to execute.

Background

The Yuba County Board of Supervisors routinely takes positions on legislation and state budget proposals that directly impact local programs and the ability of the county to self-govern.

Discussion

Position letters have been prepared for the following three legislative bills and one state budget item:

Senate Bill 58 (McGuire) – Wildlife Management Areas, Payment of Taxes and Assessments – Support

Each year for the past 14 years, the Yuba County Treasurer-Tax Collector has submitted letters to the California Department of Fish and Wildlife requesting mandatory payments for past amounts due to the county that are intended to offset the loss of property taxes for state-acquired properties. The state addressed the concern of counties in a 2015 budget trailer bill by changing the requirement from a requirement (shall) to an option (may).

The amount owed to Yuba County now exceeds \$750,000. The Governor has budgeted a small amount each year to provide payment of the 36 affected counties, but the amount is far below the annual amount owed. SB 58 is the second attempt to change budget language so that payment in-lieu of taxes is once again mandatory.

Assembly Bill 174 (Bigelow) Voting members of California Transportation Commission – Support

The California Transportation Commission is intended to reflect all state counties, but current members come from counties with populations over 1 million. This has caused many projects in smaller counties to go unfunded. AB 174 seeks to require one seat on the Commission to go to a representative from a county with a population that is under 100,000.

Assembly Bill 496 (Fong) Traffic Relief and Road Improvement Act – Support

The California Legislature has failed in recent sessions to produce any legislation that provides road improvement funding. During this legislative session, the Governor's budget proposal, along with a pair of legislative bills, provides funding for transportation needs through new taxes and fees. AB 496 seeks to use existing funding sources originally created to fund road maintenance.

A chart comparing transportation funding proposals is attached.

Dismantling of Coordinated Care Initiative and resulting massive cost shift – Oppose

A combination of inflation costs, as well as dramatic increases from the state's minimum wage increase and associated expenses, has caused the costs associated with the Coordinated Care Initiative (CCI) to far exceed the savings. The 2012 law that created the CCI mandates that at any point the programs costs become more than the savings, then it would be dissolved, causing IHSS Maintenance of Effort and collective bargaining requirements to be returned to the counties. This cost shift is expected to come with a price tag of \$623 during FY 2017/18 for all California counties and more than double over the next five years. Yuba County would be looking at a hit of \$1 million or more to cover the resulting shift of costs to counties. The letter requests the state to do what is necessary to keep the CCI intact.

Committee Action:

These letters are being presented directly to the full Board.

Fiscal Impact:

None

Attachments

AB 174 (Bigelow) Voting members of California Transportation Commission -- Support
SB 58 (McGuire) Wildlife Management Areas: Payments of taxes and assessments -- Support
AB 496 (Fong) Traffic Relief and Road Improvement Act -- Support
Transportation Plan Comparison
CCI and IHSS cost shifts to counties -- Oppose



County of Yuba Board of Supervisors

73-2017 Review I... - 1 of 5

District Two ~ John Nicoletti
District Three ~ Mary Jane Griego
District Four ~ Roger Abe
District Five ~ Randy Fletcher

March 21, 2017

The Honorable Mike McGuire
Member, California State Senate
State Capitol, Room 5064
Sacramento, CA 95814

RE: Senate Bill 58 (McGuire) - Wildlife Management Areas: Payment of Taxes and Assessments – SUPPORT

Dear Senator McGuire:

I am writing on behalf of the Yuba County Board of Supervisors to declare our full support for Senate Bill 58, which would appropriately undo alterations to Fish and Game Code Section 1504, so the requirements for Payment in Lieu of Taxes requirements would once again become required and not optional.

As you know, in-lieu fees are intended to offset adverse impacts on property tax revenue that result when the state acquires private property for wildlife management. However, the 36 affected rural counties have seen only a small fraction of those fees paid by the Department of Fish and Wildlife over the past 14 years.

As part of our responsibility to those we represent, Yuba County diligently invoices the Department of Fish and Wildlife each year to recover the in-lieu fee amounts owed to us and have been doing so since May 2002. The 2015 budget trailer legislation Senate Bill 97 changed language within the Fish and Game Code so that the word "shall" was removed, in reference to payments to counties, and the word "may" was inserted.

Over a 15 year period the state neglected its obligation to counties and, as a result, we are currently owed over \$750,000. Like other California counties, we are committed to fulfill our responsibility to provide mandated services to public lands yet struggle each year to overcome inadequate funding. It's important to understand that the solvency of California is not truly achieved until obligations are fully met at the local level.

SB 58 will restore the original Fish and Game Code Section 1504 language, so that repayment of in-lieu fees will again be required rather than permissive.

For these reasons, the Yuba County Board of Supervisor supports SB 58. If you have any questions, please contact our Legislative Affairs Coordinator Russ Brown at (530) 749-7575.

Sincerely,

Randy Fletcher, Chairman
Yuba County Board of Supervisors

cc: Members, Senate Natural Resources and Water Committee
Committee Consultant
The Honorable Jim Nielsen, Senate
The Honorable James Gallagher, Assembly
Rural County Representatives of California
California State Association of Counties



County of Yuba Board of Supervisors

73-2017 Review I... - 2 of 5

District Two ~ Mike Leahy
District Three ~ Doug Lofton
District Four ~ Gary Bradford
District Five ~ Randy Fletcher

March 21, 2017

The Honorable Frank Bigelow
Member, State Assembly
P.O. Box 942849
Sacramento, CA 94249-0005

RE: AB 174 (Bigelow) Voting member of California Transportation Commission – SUPPORT

Dear Assemblyman Bigelow:

On behalf of the Yuba County Board of Supervisors, I am writing to establish our support for AB 174, which would require one voting member of the California Transportation Commission to reside in a county with a population of less than 100,000.

The California Transportation Commission's mission is to be a unified voice for transportation issues in California, however all eleven members of the California Transportation Commission currently reside in a county with a population over a million. It is impossible for the Commission to meet their mission as a unified voice for transportation issues in California with this formation.

Yuba County provides a fitting example of how a county with a population of under 100,000 serves a vital need to California and needs to have representation on the Commission. We serve as a vital transportation artery through northern California and also support those attached to Beale Air Force Base. The Commission needs to have sitting member that brings an understanding of how smaller counties fit into the bigger transportation picture.

AB 174 will ensure the voices of small, rural California counties are heard on transportation issues. Without rural representation on the Commission, it is impossible for the Commission to meet their mission as a unified voice for transportation issues in California. Our rural roads are crumbling and polka dotted with pot holes. Shovel-ready projects to update our infrastructure keep receiving the red line. The time has come to ensure our issues have a voice and a vote. It is for the reasons stated above that we enthusiastically support AB 174.

Sincerely,

Randy Fletcher, Chairman
Yuba County Board of Supervisors

cc: Members, Assembly Committee on Transportation
Assembly Committee on Transportation Consultant
The Honorable Jim Nielsen, Senate
The Honorable James Gallagher, Assembly
Rural County Representatives of California
California State Association of Counties



County of Yuba Board of Supervisors

73-2017 Review I... - 3 of 5

District Two ~ Mike Leahy
District Three ~ Doug Lofton
District Four ~ Gary Bradford
District Five ~ Randy Fletcher

March 21, 2017

The Honorable Vince Fong
Member, California State Assembly
State Capitol, Room 4144
Sacramento, CA 95814

RE: AB 496 (Fong) Traffic Relief and Road Improvement Act – SUPPORT

Dear Assemblyman Fong,

On behalf of the Yuba County Board of Supervisors, I am writing to establish our strong support for AB 496. Unlike the other proposed bills and the Governor's budget that have been put forward this session to address transportation funding, AB 496 is the only current legislation that seeks to take existing funding sources and redirect them back to their original purposes, without creating new fees and taxes.

The Traffic Relief and Road Improvement Act is a comprehensive funding plan that improves our infrastructure and builds new capacity on highways using existing revenues and without raising taxes or fees. This measure includes reforms to make transportation spending more accountable and efficient, and it eliminates regulatory barriers that prevent traffic relief.

Our current funding system is broken and not serving its intended purpose. Despite California drivers paying the nation's highest gas tax and second highest gas prices overall, road and highways remain poor and traffic congestion continues to worsen. The state budget has grown significantly over the last decade, but funding for transportation has remained stagnant. The consequence of the status quo is higher costs for motorists to operate their vehicles and too much time spent idle in traffic, which costs our economy billions and disproportionately hurts low-income families.

With AB 496, the Legislature has an opportunity to restore the promise to California taxpayers that all the tax dollars they provide for using our transportation system goes towards improving our roads. This is the only responsible proposal that properly invests in our roads without increasing taxes and fees.

For these reason, the Yuba County Board of Supervisors is in full support of AB 496. If you have any questions, please contact our Legislative Coordinator Russ Brown at (530) 749-7575.

Sincerely,

Randy Fletcher, Chairman
Yuba County Board of Supervisors

cc: Members, Assembly Committee on Transportation
Assembly Committee on Transportation Consultant
The Honorable Jim Nielsen, Senate
The Honorable James Gallagher, Assembly
Rural County Representatives of California
California State Association of Counties

Transportation Plan Comparison

	AB X (Fong)	Governor's Plan	AB 1 (Frazier)	SB 1 (Beall)
Preliminary Revenue Estimate	\$7.8 billion (\$5.6 billion annual/\$2.2 billion one-time revenues)	\$4.3 billion (\$4.2 billion annual/\$0.7 billion one-time revenues)	\$6.8 billion (\$6.1 billion annual/\$0.7 billion one-time revenues)	\$6.8 billion (\$6.1 billion annual/\$0.7 billion one-time revenues)
Gas Tax Increase¹	No Increase	11.7 cents/gallon + annual inflation adjustment	19.5 cents/gallon + annual inflation adjustment	19.5 cents/gallon over 3 years (Y1: 13.5 cents; Y2: 3 cents; Y3: 3 cents) + annual inflation adjustment
Vehicle Registration Tax	None	\$65/year	\$38/year + annual inflation adjustment	\$38/year + annual inflation adjustment
Diesel Excise Tax Increase²	No Increase	11 cents/gallon + annual inflation adjustment	17 cents/gallon + annual inflation adjustment	17 cents/gallon + annual inflation adjustment
Diesel Sales Tax Increase	No Increase	No Increase	3.5% + annual inflation adjustment	4% + annual inflation adjustment
Zero Emission Vehicle Tax	None	None	\$165/year + annual inflation adjustment	\$100/year + annual inflation adjustment
Weight Fee Diversion (~\$1 billion/year)	100% restored Takes effect immediately	No Restoration	Partial Restoration (10% per year over 5 years)	Partial Restoration (10% per year over 5 years)
Loan Repayment	100% repayment in year 1 (\$2.2 billion)	Partial Repayment (32% over 3 years)	Partial Repayment (16% in year 1; 16% in year 2)	Partial Repayment (16% in year 1; 16% in year 2)
Vehicle Sales and Use Taxes	Dedicated to transportation	Diverted to General Fund	Diverted to General Fund	Diverted to General Fund
Vehicle Insurance Taxes	Dedicated to transportation	Diverted to General Fund	Diverted to General Fund	Diverted to General Fund

¹Increase over 2016-17 rate of 27.8 cents/gallon

²Increase over 2016-17 rate of 16 cents/gallon



County of Yuba Board of Supervisors

73-2017 Review I... - 5 of 5

District Two ~ Mike Leahy
District Three ~ Doug Lofton
District Four ~ Gary Bradford
District Five ~ Randy Fletcher

March 21, 2017

The Honorable James Gallagher
Member, State Assembly
State Capitol, Room 2158
Sacramento, CA 94249

The Honorable Jim Nielsen
Member, State Senate
State Capitol, Room 2068
Sacramento, CA 95814

RE: Dismantling of Coordinated Care Initiative and resulting massive cost shift – OPPOSE

Dear Assemblyman Bigelow:

On behalf of the Yuba County Board of Supervisors, I am writing to establish our strong opposition to the dismantling of both the Coordinated Care Initiative (CCI) and the In-Home Supportive Services (IHSS) Maintenance of Effort (MOE) cost-sharing agreement, along with the realignment of IHSS collective bargaining costs to the local level. The unwinding of all these elements will result in an estimated \$623 million in increased costs to California counties.

Yuba County's increased costs resulting from this 'unwinding' could reach \$1 million or even more, which has the potential to force the county to reduce other vital services to residents. We would certainly struggle to meet these cost shifts in our budget, and it is clear other counties will suffer even deeper cuts in services.

The CCI was created by legislation in 2012 and contained the caveat that the program would be ended if state costs ever exceeded the savings. In subsequent years, the price tag of maintaining the CCI increased dramatically through a combination of inflation and costly laws passed by lawmakers, including increases to the state's minimum wage. The demise of the CCI has now been triggered by the skyrocketing costs, causing IHSS Maintenance of Effort and collective bargaining requirements to be pushed back to the counties.

Yuba County, like so many other rural counties, has streamlined operations in an economy that is still recovering. State mandated realignment of IHSS-related costs to the county level – a realignment triggered by out-of-control expenses – is setting up local programs to endure mounting costs in the coming years.

For these reasons, the Yuba County Board of Supervisors opposes the cessation of the CCI and the transferring of all IHSS programs – minimum wage increase, paid sick leave, overtime costs and restoration of the pre-2012 program cuts – to the counties. If you have any question, please contact our Legislative Affairs Coordinator Russ Brown at (530) 749-7575.

Sincerely,

Randy Fletcher, Chairman
Yuba County Board of Supervisors

cc: The Honorable Jim Nielsen, Senate
The Honorable James Gallagher, Assembly
Rural County Representatives of California
California State Association of Counties

THIS PAGE INTENTIONALLY LEFT BLANK

The County of Yuba

Sheriff / Coroner



TO: Board of Supervisors

FROM: Sheriff / Coroner, Steve Durfor

SUBJECT: Sheriff Coroner: Receive report regarding critical public safety staffing; approve modification to Deputy Sheriff Association MOU and authorize chair to execute, grant additional hiring authority to the Sheriff and adopt resolutions amending the classification system basic salary/hourly schedule, the basic salary schedule for extra help, and department allocation schedule as it relates to the Sheriff's Department.

DATE: March 21, 2017

NUMBER: 42/2017

Recommendation

It is recommended that the Board of Supervisors receive a report from the Sheriff, County Administrator and Human Resources regarding critical public safety staffing issues and consider approving recommended actions which include modifications to the Deputy Sheriffs Association MOU, granting additional hiring authority to the Sheriff and the adoption of attached resolutions amending the classification system basic salary/hourly schedule, the basic salary schedule for extra help and the department allocation schedule as it relates to the Sheriff's Department.

Background

The men and women of the Yuba County Sheriff's Department provide first responder protection to nearly 74,000 residents, 24 hours a day, seven days a week in addition to numerous other important services that keep our residents safe. As with law enforcement agencies across the United States, no inclement weather, holiday or significant event suspends the service of receiving and responding to calls for help from our residents or those that visit Yuba County.

Response to calls for service or pro-actively enforcing laws requires a number of employees in several classifications. Recruiting and retaining the best and the brightest is a top priority for the Sheriff's Department, the Board of Supervisors, Human Resources and County Administration.

Staffing levels (allocated positions) have remained relatively static for patrol and dispatch operations, with the exception of adding six (6) patrol deputy positions in 2007 and a few dispatch positions over the same time period. While some positions that were vacant during various occasions were unfunded, it is important to note that even during the Great Recession, no patrol deputy or dispatcher position in the Sheriff's Department was proposed or approved for being laid off from County employment. However, a combination of factors over the same time period and in particular the last few years, have caused staffing levels in the Deputy Sheriff (Patrol) and Dispatcher classifications to become nearly unmanageable thus denigrating the protection our residents and public safety partners deserve.

Similar to many law enforcement agencies, deputies and dispatchers leave for other agencies for higher pay or different working conditions. In the last two years, the Sheriff's Department has lost seventeen (17) deputy sheriffs, 10 of which have left for another law enforcement agency. The following data represents the current staffing for deputy sheriffs:

- 52 Deputy Sheriff positions allocated
 - 3 positions are unfunded / vacant
 - 10 positions are vacant
 - 4 are out with long term injuries
 - 4 are assigned to detectives
 - 2 are assigned to Marine Enforcement

Lead time that a vacancy is occurring due to a departure is approximately two weeks. Unfortunately the time and cost to replace a Deputy Sheriff from recruitment to the point a deputy can be on patrol without direct training supervision, takes approximately 10.5 months. This accounts for completion of the application, screening, interview, background, medical and psychological exams and the field training program.

The following data represents the current staffing level for Communications Dispatchers:

- 15 Communications Dispatcher positions allocated
 - 3 are unfunded/vacant
 - 3 are vacant

For a Communications Dispatcher to be recruited for, hired and ultimately operate on his or her own takes approximately eight (8) months.

It should be noted that the Sheriff's Department also provides contracted dispatch services for the Wheatland Police Department, Yuba College Police Department, Linda Fire Department, Olivehurst Fire Department and the Wheatland / Plumas-Brophy Fire Department. While not contracted, dispatch service is also provided for the Yuba County Probation Department.

Discussion

The Sheriff, County Administration and Human Resources have diligently worked to address the situation almost the entirety of the last calendar year through now, beginning with labor contract discussions with the union that represents a majority of the Sheriff's Department employees. While an agreement was eventually reached it was readily apparent that additional recommendations would have to be made to the Board of Supervisors.

After dozens of hours of analysis and outcome based discussions, the Sheriff, County Administrator, and Human Resources Director concluded the most immediate areas to address were patrol and dispatch operations and developed strategies to achieve successful outcomes. We met and conferred with the Deputy Sheriff's Association regarding these strategies and the modifications to the MOU. The DSA has voted on the issues that will require amending the MOU and the amended MOU is attached to this item for your Board's approval and execution.

In addition, we recognize the fiscal challenges with implementing the attached recommendations. However, considering the current number of deputy sheriffs actually on patrol, which is 22 out of 45 assigned we felt it was important to make immediate adjustments and plans for the short term. In order to have the opportunity to increase the number of Deputy Sheriff's and Dispatchers sooner, the Sheriff's Department is willing to provisionally un-fund and de-allocate seven (7) Deputy Sheriff positions, bringing the number of total funded and allocated positions from 52 to 45, recognizing the staffing crisis currently being experienced.

The following pages represent a summary of issues facing the patrol and dispatch divisions and accompanying recommendations for consideration by the Board.

Committee Action:

This item is bypassing committee due to the urgency in getting this strategic plan in place for the Sheriff's Office.

Fiscal Impact:

There is an anticipated fiscal impact of \$57,171 to the general fund and 10,269 to the non-general fund for the 16/17 Fiscal Year.

Attachments

42/2017 Resolutions Critical public safety changes

42/2017 Summary of each proposed changed with fiscal impact

DIVISION - Patrol**FOCUS AREA – Deputy Sheriff****ISSUE**

Over the last two and a half years eighteen (18) patrol deputies of forty nine (49) funded position allocations have left employment for another law enforcement agency. Another 4 have concluded employment within the same time period for a variety of reasons that include but are not limited to retirement, not completing probation or released from employment. A continuous recruitment has been in place for a variety of reasons including the lack of eligible candidates. This can be attributed to competitive pay and benefits, inability to advertise/market a higher entry salary, an inactive local police academy for several years and a lengthy application/interview/screening process.

STRATEGY

Combined with other Deputy Sheriff recruitment and retention strategies, increase the base salary for the Deputy Sheriff (Patrol) classification.

CURRENT STANDARD

In summary, the Deputy Sheriff position (patrol) will receive a salary increase of 4% on July 1, 2017 and 4% on July 1, 2018.

PROPOSED

Rescind the two salary increases scheduled for 2017 and 2018 and replace with a 10% increase effective July 1, 2017.

EFFECTIVE DATE

July 1, 2017 (begin advertising immediately)

INTENDEND OUTCOME(S)

Combined with other recruitment and retention strategies for Deputy Sheriff and Dispatchers, the Sheriff's department will be able to advertise a higher salary range more competitive to other law enforcement agencies. In addition, it is intended to attract a higher number of qualified candidates and attain acceptable staffing levels sooner.

EST. FISCAL YEAR IMPACT (FY 17-18)

\$ 249,837

CURRENT AND PROPOSED DEPUTY SHERIFF MONTHLY SALARY SCHEDULE*

42-2017 Receive ... - 6 of 18

<u>SALARY STEPS</u>	<u>CURRENT</u>	<u>PROPOSED (EFF. 7/1/17)</u>
Step 1	\$ 4,485	\$ 4,934
Step 2	\$ 4,709	\$ 5,158
Step 3	\$ 4,934	\$ 5,382
Step 4	\$ 5,158	\$ 5,606
Step 5	\$ 5,382	\$ 5,831
Step 6	\$ 5,606	\$ 6,055
Step 7	\$ 5,831	\$ 6,279
Longevity	\$ 6,055	\$ 6,661

*The example above represents the merit/longevity index for employees hired after 7/1/2013.

ISSUE

Past position allocations for resident deputies serving the foothills usually consisted of four to six (4-6) deputies and a Sergeant. Over the last several years due to retirement, leaving for another agency or promotions, the foothill resident deputy positions filled are three (3). The department has encountered difficulty filling this position, which has resulted in occasional response delays, assigning valley patrol deputies with limited knowledge of the area and potential officer safety issues.

STRATEGY

Combined with other Deputy Sheriff recruitment and retention strategies, increase the resident deputy incentive pay.

CURRENT STANDARD

Resident Deputy Pay - 3% of base (\$135 per month)

PROPOSED

Resident Deputy Pay - \$500 per month

EFFECTIVE DATE

March 1, 2017

INTENDEND OUTCOME(S)

Combined with other strategies for patrol deputies, the sheriff's department will attain previous staffing levels of six (6) resident deputies by approximately the end of Fiscal Year 2017-2018.

EST. FISCAL YEAR IMPACT (FY 17-18)

\$ 14,641

ISSUE

The Sheriff's Department would like to recruit additional Reserve Deputies to its long standing program. The Commission on Peace Officer Standards and Training has made the reserve requirements challenging to achieve and requires a significant commitment of personal time and money for individuals. A robust pool of qualified reserves is invaluable to law enforcement agencies. The Sheriff's Department has a compliment of Reserve Deputies, but experiences a lack of interest by prospective candidates due in part to job requirements, significant personal investment and low pay offered. The current hourly pay rate for all reserves is minimum wage.

The importance of having a robust reserve deputy program is key to providing flexibility in answering calls for service and providing assistance to our full time deputies. For example, Level I (A) reserves can function independently (i.e. solely operate a patrol vehicle and respond to calls for service). Level I and Level II reserves, working under supervision of a peace officer, provide assistance in many ways including the ability to have two person patrol cars.

STRATEGY

Combined with other Patrol Division strategies increase the Patrol Reserve Deputy I (A) hourly pay to the base rate equivalent for a Deputy Sheriff and adjust accordingly for Levels I, II and III.

CURRENT STANDARD

Level I Reserve Deputy Pay - \$10.50 per hour

PROPOSED

Level I (A) Reserve Deputy Pay - Hourly rate for Deputy Sheriff, Step 1 including all future adjustments (\$25.88 per hour)

Level I Reserve Deputy Pay – 25% below rate for Level 1(A) (\$19.41 per hour)

Level II Reserve Deputy Pay – 25% below rate for Level I (\$14.56 per hour)

Level III Reserve Deputy Pay – Primarily Administrative (minimum wage \$10.50 hour)

EFFECTIVE DATE

March 1, 2017

INTENDEND OUTCOME(S)

Combined with other strategies for the patrol division, attract, recruit, and hire Level 1(A), Level 1 and Level II Reserve Deputies, adding much needed and critical assistance to the patrol division.

EST. FISCAL YEAR IMPACT (FY 17-18)

\$ 100,000 - \$125,000 (FY 17-18)

ISSUE

Over the last two and a half years eighteen (18) patrol deputies of forty nine (49) funded position allocations have left employment for another law enforcement agency. Another 4 have concluded employment within the same time period for a variety of reasons that include but are not limited to retirement, not completing probation or released from employment. A continuous recruitment has been in place for a variety of reasons. The lack of eligible candidates can be attributed to competitive pay and benefits, inability to advertise/market a higher entry salary, an inactive local police academy for several years and a lengthy application/interview/screening process.

There are currently fifteen (15) Dispatcher position allocations and only nine (9) are filled. The lack of eligible candidates can be attributed to competitive pay and benefits, a recognized shortage of dispatchers statewide, inability to advertise/market a higher entry salary and a lengthy application/interview/screening process.

STRATEGY

Combined with other Deputy Sheriff and Dispatcher recruitment and retention strategies, approve the ability for the Sheriff to hire at the highest step offered in the salary schedule, excluding longevity and revisit policy every 12 months.

CURRENT STANDARD

The appointing authority is authorized to offer a successful applicant Step 1, Step 2 or Step 3 of the County's salary schedule. An offer of Steps 4 through 7 requires Board approval.

PROPOSED

Authorize the Sheriff to offer a successful applicant a salary step up to Step 7 per his assessment of qualifications and experience.

EFFECTIVE DATE

March 1, 2017 (revisit policy every 12 months)

INTENDEND OUTCOME(S)

Combined with other recruitment and retention strategies for Deputy Sheriff and Dispatchers, the Sheriff's department will be able to advertise a higher salary range thus attracting a higher number of qualified candidates and attain acceptable staffing levels sooner.

EST. FISCAL YEAR IMPACT (FY 17-18)

\$ unknown, dependent on ability to attract candidates

ISSUE

Newly hired Deputy Sheriffs and Dispatchers do not receive any vacation hours until they complete six months employment with the department. Should a new hire need to take time off not associated with sick leave he or she must do so without pay.

STRATEGY

Combined with other Deputy Sheriff and Dispatcher strategies to attract a larger applicant pool, provide new hires with advanced access to forty eight (48) vacation hours that can be used once they begin their employment.

CURRENT STANDARD

New hires do not receive vacation hours until they have completed six months of employment.

PROPOSED

Provide new hire Deputy Sheriff and Dispatchers immediate access to advance use vacation leave from their allotment of forty eight (48) hours provided at the conclusion of six (6) months employment.

EFFECTIVE DATE

March 1, 2017

INTENDEND OUTCOME(S)

Combined with other strategies for Deputy Sheriffs and Dispatchers, we will advertise a benefit not usually afforded to new hires thus attracting a higher number of qualified candidates and attain acceptable staffing levels sooner.

EST. FISCAL YEAR IMPACT (FY 17-18)

None (time off for a new hire; i.e. a trainee completing the academy or a training program does not require backfill/overtime.)

ISSUE

There are currently fifteen (15) Dispatcher position allocations and only nine (9) are filled. The lack of eligible candidates can be attributed to competitive pay and benefits, a recognized shortage of dispatchers statewide, inability to advertise/market a higher entry salary and a lengthy application/interview/screening process.

The Communications Dispatcher (CD) series consists of the entry level CD I and after one year the incumbent is considered for promotion to a CD II. When advertised for recruitment, the CD I and II are listed, thus indicating a much lower entry level salary that is considerably well below surrounding law enforcement agencies. In addition the title of Communications Dispatcher is not widely used in law enforcement.

STRATEGY

Combined with other Communications Dispatcher recruitment and retention strategies eliminate the entire classification of CD I and II and rename it to Public Safety Dispatcher, setting one salary range, equivalent to the current CD II pay range.

CURRENT STANDARD*Communications Dispatcher I / II*

Base Monthly Salary - CD I \$ 3,417

Base Monthly Salary – CD II \$ 3,861

PROPOSED

Abolish the Communications Dispatcher I/II series; create a new Public Safety Dispatcher classification

Base Monthly Salary \$3,861

EFFECTIVE DATE

Targeted March 2017

INTENDEND OUTCOME(S)

Combined with other recruitment and retention strategies for Dispatchers, the Sheriff's Department will advertise a higher salary range that is more competitive to attract candidates.

EST. FISCAL YEAR IMPACT (FY 17-18)

Less than \$7,500 as all current dispatchers are at or about to be CD II dispatchers.

ISSUE

There are currently fifteen (15) Dispatcher position allocations and only nine (9) are filled. The lack of eligible candidates can be attributed to competitive pay and benefits, a recognized shortage of dispatchers statewide, inability to advertise/market a higher entry salary and a lengthy application/interview/screening process.

In addition to numerous critical duties to serve the public, such as answering all 911 and non-emergency calls for the County, dispatching emergency services and coordinating radio traffic for Sheriff's Department personnel, dispatchers also serve as records clerks. Due to only having one Records Clerk for the department, the workload is not getting completed and dispatchers have to serve that function, as well as provide response at the public counter. This adds to the complexities of their priority duties considering the importance of the records clerk functions such as entering or removing arrest warrants, meeting state or federal mandated reporting requirements among other tasks.

STRATEGY

Combined with other Communications Dispatcher recruitment and retention strategies hire a Records Clerk immediately to provide relief as soon as possible to a short-handed dispatch division.

CURRENT STANDARD

Records Clerk – Position Allocation 1

PROPOSED

Records Clerk – Position Allocation 2

EFFECTIVE DATE

Recruitment underway

INTENDEND OUTCOME(S)

Combined with other recruitment and retention strategies for Dispatchers, the clerk will provide needed relief and focus for dispatchers while meeting numerous mandates.

EST. FISCAL YEAR IMPACT (FY 17-18)

\$ 60,277

ISSUE

As mentioned previously, staffing levels within the Patrol and Dispatch divisions are at a critical level. A strategic, comprehensive and expansive marketing plan to recruit applicants has never been developed with the exception of efforts from staff in Human Resources and the Sheriff's Department.

STRATEGY

Combined with other Deputy Sheriff and Dispatcher recruitment and retention strategies engage in contractual services with a professional marketing firm that can provide a range of services from departmental videos, advertisements through media and fixed locations and provide and implement recommended solutions.

CURRENT STANDARD

Minimal level marketing performed for recruitment of Sheriff's Department Applicants.

PROPOSED

Contract for development of a Strategic Marketing Plan and implementation.

EFFECTIVE DATE

March 2017

INTENDEND OUTCOME(S)

Combined with other recruitment and retention strategies for Dispatchers, have a plan in place to demonstrate why the Yuba County Sheriff's Department is the employer of choice in the Sacramento region and north state.

EST. FISCAL YEAR IMPACT (FY 16-17-18)

Approximately \$50,000 - \$75,000

ISSUE

Hiring for positions within the Sheriff's Department can be a very protracted event considering the numerous tasks that must be done to conform to state law and local policies. Scheduling physicals, psychological exams, fingerprinting and background investigations can individually take weeks, let alone the time it takes to receive results. When considering all of the hiring processes it can take several months before required information is obtained. In the case of a Deputy Sheriff or a Dispatcher, their initial training programs take several months before they are released to work individually.

STRATEGY

Combined with other department-wide recruitment and retention strategies to reduce steps in the hiring process where possible, subsequently speeding up hire dates. Initial target areas include process mapping, hiring additional individuals/companies to complete thorough backgrounds quicker, an expeditious application process for lateral transfers, transfer medical screening to new contract with an implementation date of March 2017.

CURRENT STANDARD

Status quo hiring process (Human Resources has hired an analyst with direct experience conducting public safety recruitments)

PROPOSED

Explore hiring process efficiencies and implement immediately.

EFFECTIVE DATE

Targeted March 2017

INTENDEND OUTCOME(S)

Combined with other recruitment and retention strategies for department personnel, achieving efficiencies will reduce the time it takes to hire a successful applicant.

EST. FISCAL YEAR IMPACT (FY 17-18)

Unknown – potential cost savings

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

RESOLUTION AMENDING THE
CLASSIFICATION SYSTEM –
BASIC SALARY SCHEDULE
EXTRA-HELP

RESOLUTION NO. _____

NOW, THEREFORE, BE IT RESOLVED that the Classification System – Basic Salary Schedule – Extra-Help is amended as follows effective March 1, 2017.

DELETE:

Classification	A	B	C	D	E	OT Code	WC Code	Range
RESERVE DEPUTY			10.50			N	7722.R	1000

ADD:

Classification	A	B	C	D	E	OT Code	WC Code	Range
RESERVE CORRECTIONAL OFFICER			10.50			N	7722.R	1050
RESERVE DEPUTY SHERIFF LEVEL IA			25.88			N	7722.R	2588
RESERVE DEPUTY SHERIFF LEVEL I			19.41			N	7722.R	1294
RESERVE DEPUTY SHERIFF LEVEL II			14.56			N	7722.R	1456
RESERVE DEPUTY SHERIFF LEVEL III			10.50			N	7722.R	1050

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the _____ day of _____, 2017 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: Countney C. H.

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA

RESOLUTION AMENDING THE)
CLASSIFICATION SYSTEM –)
BASIC SALARY SCHEDULE)
_____)

RESOLUTION NO. _____

NOW, THEREFORE, BE IT RESOLVED that the Classification System – Basic Salary/Hourly Schedule shall be amended as follows effective **March 1, 2017**.

AS SET FORTH IN ATTACHMENT "A"

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the _____ day of _____, 2017 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. [Signature]

NOTE:

CODE	CLASSIFICATION	BARG UNIT	PAY RATE			LONGEVITY		
			MINIMUM MONTHLY SALARY (BASE)	MINIMUM HOURLY RATE	MAXIMUM MONTHLY SALARY	MAXIMUM HOURLY RATE	MAXIMUM MONTHLY SALARY	MAXIMUM HOURLY RATE
CDIS-1	I COMMUNICATIONS DISPATCHER	6	3,417	19.71	4,156	23.98	4,443	25.63
CDIS-2	II COMMUNICATIONS DISPATCHER	6	3,861	22.28	4,695	27.09	5,020	28.96

ADD:

CODE	CLASSIFICATION	BARG UNIT	PAY RATE			LONGEVITY		
			MINIMUM MONTHLY SALARY (BASE)	MINIMUM HOURLY RATE	MAXIMUM MONTHLY SALARY	MAXIMUM HOURLY RATE	MAXIMUM MONTHLY SALARY	MAXIMUM HOURLY RATE
PSDR	PUBLIC SAFETY DISPATCHER	6	3,861	22.28	4,695	27.09	5,020	28.96

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 March 1, 2017 as follows:

DELETE:

DEPARTMENT	CLASSIFICATION	# OF POSITION S
Sheriff	Communications Dispatcher I/II	15

ADD:

DEPARTMENT	CLASSIFICATION	# OF POSITION S
Sheriff	Public Safety Dispatcher	15

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the _____ day of _____, 2017 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. Harris

AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING

Between the

County of Yuba

And the

Deputy Sheriffs' Association

The Deputy Sheriffs' Association (DSA) and the County of Yuba (County) have met and conferred and agreed upon the Memorandum of Understanding (MOU), for which the term runs through June 30, 2019.

The parties have now meet and conferred further pursuant to Government Code Section 3500, et seq., and have mutually agreed to modify the current MOU, to reflect additional terms and conditions of employment pertaining to the Deputy Sheriff, Deputy Sheriff Trainee and the Public Safety Dispatcher as follows:

Article 23 Sheriff's Department Special Compensation

Section 23.01. Resident Hill Deputy Assignment Pay

An employee who is assigned the duties of a Resident Hill Deputy shall be paid premium compensation on the condition that he/she reside in the Yuba County hill area. They shall be paid this compensation for each month they are assigned the duties of a Resident Hill Deputy. A Deputy Sheriff who is assigned to the Yuba County hill area shall be paid:

3% of monthly base rate

This premium compensation will be paid monthly as a flat rate dollar amount calculated by multiplying the base rate for that classification by **3%**.

Effective March 1, 2017 a Deputy Sheriff who is assigned to the Yuba County hill area shall be paid: \$500 per month

Employees may be reassigned for a period of up to 90 consecutive days, during any 12 month period. They shall continue to receive Resident Hill Deputy Assignment Pay during this time, but shall not be entitled to any travel pay for this assignment. This assignment may not be grieved or appealed.

Article 8 Vacation Leave With Pay

Section 8.02 Time Vacation Begins to Accrue

Each employee in a regular full-time position shall be eligible to receive 48 hours vacation leave after the completion of 6 months of service from the date of original appointment to a budgeted position and receipt of a satisfactory performance evaluation. Upon the completion of 1 year service from the original date of appointment and upon passing probation the employee shall be credited with an additional 48 hours vacation leave.

No vacation leave shall accrue or be available to the employee prior to the completion of the required 6 months and/or 1 year.

Exception: In response to the significant challenges facing our recruitment and retention efforts for Public Safety Dispatcher and Deputy Sheriff Trainee/Deputy Sheriff classifications, employees hired in a **Public Safety Dispatcher or Deputy Sheriff Trainee/Deputy Sheriff classification**, after **March 1, 2017**, will be able to request advance use of their 48 hours of vacation leave within the first six months of service. All vacation requests must be approved by the Sheriff or designee. The Sheriff reserves the sole right to discontinue this exception provision based on the needs of the department.

- A. **Date of Appointment.** For purposes of this section, Date of Appointment shall be the first day of the month following the month in which such employee begins work. However, if that new employee begins work within the first 3 working days of the month, then the Date of Appointment shall be the first of that month.
- B. **Accrual.** Vacation leave credit shall accrue on the first day of the month following the month when vacation leave credit is earned. No vacation leave shall be earned when an employee is on leave without pay for 1/2 of a working month or more. No credit shall be earned for less than a full final month's service when an employee terminates for any reason.

Article 28 Salary

Section 28.02. Future Salary Adjustments

In addition to the above salary adjustments, the following adjustments will be implemented:

Effective 7/1/2017 salaries for those positions represented by the DSA will receive a 2% cost of living adjustment. In addition to the 2% COLA the following equity adjustments will be made:

- 8% equity adjustment to the classification of Deputy Sheriff and Deputy Sheriff Trainee
- 2% equity adjustment to the Correctional Officer classifications
- 3% equity adjustment to the District Attorney Investigator classification
- 2.5% equity adjustment to the Welfare Fraud Investigator classification
- 1% equity adjustment for the Evidence Technician and Communications Dispatcher series classifications

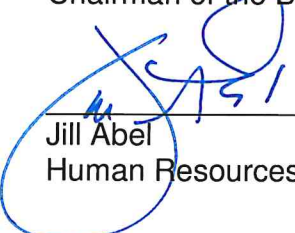
Effective 7/1/2018 salaries for those positions represented by the DSA will receive a 2% cost of living adjustment with the exception of the Deputy Sheriff and Deputy Sheriff Trainee Classifications. In addition to the 2% COLA the following equity adjustments will be made:

- 3% equity adjustment to the Correctional Officer and District Attorney Investigator classifications
- 2.5% equity adjustment to the Welfare Fraud Investigator classification

Signed and agreed upon on _____ by the following parties:


THE COUNTY OF YUBA

Randy Fletcher
Chairman of the Board



Jill Abel
Human Resources Director

DEPUTY SHERIFF'S ASSOCIATION (DSA)



Jerry D. Parker
DSA President

The County of Yuba

County Counsel



TO: Board of Supervisors

FROM: County Counsel, Angil Morris-Jones

SUBJECT: An ordinance amending the number and time of regular board meetings.

DATE: March 21, 2017

NUMBER: 35/2017

RECOMMENDATION:

Adopt the attached ordinance amending §2.25.010 and §2.25.030 to Title II of the Yuba County Ordinance Code relating to the Regular Meetings of the Board of Supervisors.

DISCUSSION:

At the March 7, 2017 meeting of the Board of Supervisors, after the second reading and Public Hearing of an ordinance relating to Regular Board Meetings, the Board amended the ordinance by changing the time of the Regular Meetings on the Second Tuesday of every calendar month to commence at 6:00 P.M. The alteration of the ordinance after its introduction during its first reading on February 28, 2017 caused it to become a first reading on March 7, 2017 as amended. The second reading for passage of the Ordinance is set for a Public Hearing to be held on March 21, 2017.

COMMITTEE ACTION:

Proposed ordinance amendment is pursuant to Board direction.

FISCAL IMPACT:

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING

**SECTIONS 2.25.010 AND 2.25.030 TO TITLE II OF
THE YUBA COUNTY ORDINANCE CODE
RELATING TO THE BOARD OF SUPERVISORS MEETINGS**

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 _____, 2017, by the following vote:

AYES:

NOES:

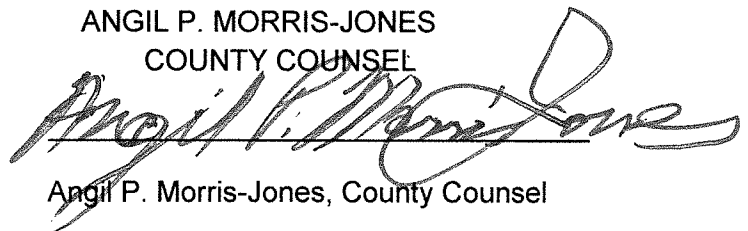
ABSENT:

ABSTAIN:

ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Supervisors

By: _____

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


Angil P. Morris-Jones, County Counsel

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 2.25.010 and 2.25.030 to Title II of the Yuba County Ordinance Code is hereby amended as set forth herein below:

CHAPTER 2.25 - BOARD OF SUPERVISORS MEETINGS

2.25.010. - Regular meetings; time; continuation; holidays; cancellation by membership.

The regular meetings of the Board of Supervisors of the County of Yuba shall be held every calendar month on the second Tuesday to commence at 6:00 p.m. and the fourth Tuesday at 9:00 a.m. Additionally, the proposed ordinance would amend Section 2.25.030 by limiting the number of regular meeting that may be cancelled in the same calendar month to one. All such meetings where action may be taken shall be held in the chambers of the Board of Supervisors located at the Yuba County Government Center, 915 8th Street, Marysville, California, except upon a four-fifths vote of the Board of Supervisors, a regular meeting may be held at any location within the boundaries of the County of Yuba which complies with and is in accordance to State and Federal Laws. Each meeting may be continued from time to time until final adjournment. Any regular meeting of the Board of Supervisors that falls upon a holiday or election day is cancelled. There shall be no regular meeting of the Board of Supervisors in any County work week having two County holidays. By a three-fifths vote of the Board, regular meetings may be cancelled.

State law reference— Board of Supervisors to provide by ordinance for regular meetings, Government Code § 25081; publication of notice of proceedings, Government Code § 25151.

2.25.030. - Regular meetings; cancellation by Chairperson.

Notwithstanding Section 2.25.010, the Chairperson of the Board of Supervisors or a majority of the Board of Supervisors may cancel a regular meeting of the Board of Supervisors. Cancellation as provided in this Section is limited to no more than ~~two~~ one regular meeting scheduled in the same month. Cancellation shall occur at a regularly scheduled meeting of the Board or by the Chairperson of the Board of Supervisors at any time. Notice of the cancellation of a regular meeting shall be given in the same manner as notice of the holding of a regular meeting is given. Action by the Chairperson of the Board of Supervisors to cancel a regularly scheduled meeting or meetings may be overridden by a four-fifths vote of the Board of Supervisors taken at a regularly scheduled meeting of the Board of Supervisors.

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 2.25.010 and 2.25.030 to Title II of the Yuba County Ordinance Code is hereby amended as set forth herein below:

CHAPTER 2.25 - BOARD OF SUPERVISORS MEETINGS

2.25.010. - Regular meetings; time; continuation; holidays; cancellation by membership.

The regular meetings of the Board of Supervisors of the County of Yuba shall be held every calendar month on the second Tuesday to commence at 6:00 p.m. and the fourth Tuesday at 9:00 a.m. All such meetings where action may be taken shall be held in the chambers of the Board of Supervisors located at the Yuba County Government Center, 915 8th Street, Marysville, California, except upon a four-fifths vote of the Board of Supervisors, a regular meeting may be held at any location within the boundaries of the County of Yuba which complies with and is in accordance to State and Federal Laws. Each meeting may be continued from time to time until final adjournment. Any regular meeting of the Board of Supervisors that falls upon a holiday or election day is cancelled. There shall be no regular meeting of the Board of Supervisors in any County work week having two County holidays. By a three-fifths vote of the Board, regular meetings may be cancelled.

State law reference— Board of Supervisors to provide by ordinance for regular meetings, Government Code § 25081; publication of notice of proceedings, Government Code § 25151.

2.25.030. - Regular meetings; cancellation by Chairperson.

Notwithstanding Section 2.25.010, the Chairperson of the Board of Supervisors or a majority of the Board of Supervisors may cancel a regular meeting of the Board of Supervisors. Cancellation as provided in this Section is limited to no more than one regular meeting scheduled in the same month. Cancellation shall occur at a regularly scheduled meeting of the Board or by the Chairperson of the Board of Supervisors at any time. Notice of the cancellation of a regular meeting shall be given in the same manner as notice of the holding of a regular meeting is given. Action by the Chairperson of the Board of Supervisors to cancel a regularly scheduled meeting or meetings may be overridden by a four-fifths vote of the Board of Supervisors taken at a regularly scheduled meeting of the Board of Supervisors.

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.



February 22, 2017

Mr. Randy Fletcher, Chairperson
Yuba County Board of Supervisors
915 8th Street, Suite 109
Marysville, California 95901

RECEIVED

MAR 1 2017

Clerk/Board of Supervisors

Subject: U.S. Small Business Administration Private Nonprofit Organizations
Physical Disaster Declaration

Dear Chairperson Fletcher:

Pursuant to President Trump's major disaster declaration of February 14, 2017, for *Public Assistance Only* (FEMA-4301-DR-CA), the U.S. Small Business Administration has declared the primary counties of **Alameda, Amador, Butte, Calaveras, Contra Costa, El Dorado, Humboldt, Inyo, Lake, Lassen, Marin, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Luis Obispo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Trinity, Tuolumne, Yolo, and Yuba** a disaster area. This declaration is a result of damages caused by Severe Winter Storms, Flooding, and Mudslides that occurred January 3-12, 2017. Private, nonprofit organizations that provide essential services of a governmental nature are eligible to apply for both Physical and Economic Injury Disaster Loans.

The California Governor's Office of Emergency Services (Cal OES) is providing the enclosed information regarding this declaration and request that you distribute as appropriate. Please note that this declaration is limited to private non-profit organizations that provide essential services of a governmental nature.

Sincerely,

KARMA HACKNEY
Individual Assistance Officer

Enclosure

c: Yuba County Office of Emergency Services
File Copy



U.S. Small Business Administration (SBA) Declaration

SBA #15049 – Severe Winter Storms, Flooding and Mudslides

Declaration Information

The following table illustrates the declaration information.

Eligible Primary County/Counties:	Alameda, Amador, Butte, Calaveras, Contra Costa, El Dorado, Humboldt, Inyo, Lake, Lassen, Marin, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Luis Obispo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Trinity, Tuolumne, Yolo, Yuba
Event:	Pursuant to President Trump's February 14, 2017, major disaster declaration for <i>Public Assistance Only</i> (FEMA-4301-DR-CA) as a result of Severe Winter Storms, Flooding, and Mudslides that occurred January 3-12, 2017.
Assistance made available by declaration:	SBA Physical and Economic Injury Disaster Loans
Who may apply:	Private, nonprofit organizations that provide essential services of a governmental nature.
Application deadline for property damage:	April 17, 2017
Application deadline for business economic injury:	November 14, 2017
How to apply:	Contact SBA at 1-800-659-2955, or visit SBA's website at: www.sba.gov/disaster , or email disastercustomerservice@sba.gov Hearing impaired individuals may call 1-800-877-8339.



RECEIVED

MAR 1 2017

Clerk/Board of Supervisors

February 22, 2017

Mr. Randy Fletcher, Chairperson
Yuba County Board of Supervisors
915 8th Street, Suite 109
Marysville, California 95901

Subject: U.S. Department of Agriculture Farm Service Agency Emergency Loan Program

Dear Chairperson Fletcher:

On February 14, 2017, President Donald J. Trump declared a major disaster declaration (FEMA-4301-DR) due to Severe Winter Storms, Flooding, and Mudslides that occurred January 3-12, 2017. As a result, the U.S. Department of Agriculture Farm Service Agency Emergency Loan Program has been made available for the primary counties of **Alameda, Amador, Butte, Calaveras, Contra Costa, El Dorado, Humboldt, Inyo, Lake, Lassen, Marin, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Luis Obispo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Trinity, Tuolumne, Yolo, and Yuba** and the contiguous counties of **Alpine, Colusa, Del Norte, Fresno, Glenn, Kern, Kings, Madera, Mariposa, Modoc, San Bernardino, San Joaquin, San Mateo, Santa Barbara, Stanislaus, Tehama, and Tulare** for both physical and crop production losses.

The California Governor's Office of Emergency Services (Cal OES) is providing the enclosed information regarding this designation. Please inform potential applicants throughout your county of this designation and information.

Sincerely,


KARMA HACKNEY
Individual Assistance Officer

Enclosure

c: Yuba County Office of Emergency Services
Yuba County Agricultural Commissioner
File Copy



3650 SCHRIEVER AVENUE, MATHER, CA 95655
INDIVIDUAL ASSISTANCE DIVISION
(916) 845-8149 TELEPHONE (916) 845-8395 FAX
www.CalOES.ca.gov

USDA #M4301 – Severe Winter Storms, Flooding, and Mudslides**Declaration
Information**

The following table illustrates the declaration information.

Eligible Primary County/Countries or Land(s):	Alameda, Amador, Butte, Calaveras, Contra Costa, El Dorado, Humboldt, Inyo, Lake, Lassen, Marin, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Luis Obispo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Trinity, Tuolumne, Yolo, Yuba
Eligible Contiguous County/Countries:	Alpine, Colusa, Del Norte, Fresno, Glenn, Kern, Kings, Madera, Mariposa, Modoc, San Bernardino, San Joaquin, San Mateo, Santa Barbara, Stanislaus, Tehama, Tulare
Event:	February 14, 2017, major disaster declaration (FEMA-4301-DR) as a result of Severe Winter Storms, Flooding, and Mudslides that occurred January 3-12, 2017.
Assistance made available by designation:	<ul style="list-style-type: none"> • Emergency farm loans for both physical and crop production losses as a direct result of the disaster • Up to a maximum of \$500,000
Application deadline:	October 16, 2017
Who may apply:	Farmers and ranchers who conduct family-sized farming operations
How to apply:	<ul style="list-style-type: none"> • Contact local Farm Service Agency (FSA) office listed in the local telephone directory under U.S. Government, Agriculture • Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD)
USDA website for additional information:	https://www.fsa.usda.gov/FSA/webapp?area=h ome&subject=fmlp&topic=efl



February 27, 2017

TO ALL COUNTY BOARD OF SUPERVISOR CHAIRS, COUNTY ADMINISTRATIVE OFFICERS, AND COUNTY WELFARE DIRECTORS:

Expiration of the County In-Home Supportive Services Maintenance-of-Effort

The Coordinated Care Initiative (CCI), including the Cal MediConnect demonstration project, allows persons eligible for both Medicare and Medi-Cal to receive medical, behavioral health, long-term services and supports, and home and community-based services, including In-Home Supportive Services (IHSS), coordinated through a single health plan. This pilot was implemented through a federal demonstration project and currently operates in seven counties—Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Mateo, and Santa Clara.

As part of the implementing CCI legislation (Chapter 45, Statutes of 2012), the county share of IHSS costs previously established by 1991-92 State-Local Realignment legislation was replaced by a county maintenance-of-effort (MOE) requirement for all 58 counties beginning in fiscal year 2012-13. Each county's initial MOE amount was set at actual IHSS expenditures incurred by the county during fiscal year 2011-12. Increases to a county's MOE are limited to: (1) the incremental increase of costs locally negotiated, mediated, or imposed in IHSS provider wages and benefits before the Statewide Authority assumed IHSS provider collective bargaining responsibilities in the county, and (2) an annual 3.5-percent inflation factor, first applied to the MOE in fiscal year 2014-15. The 2017-18 Governor's Budget estimates total county IHSS MOE costs would have been \$1.156 billion.

Pursuant to Chapter 37, Statutes of 2013 (SB 94), the CCI demonstration project becomes inoperative if the Director of Finance determines that it is not cost-effective. Current law also stipulates that upon such a determination, the county IHSS MOE becomes inoperative on the first day of the following fiscal year, at which time the county share of IHSS costs returns to the amounts established in 1991-92 Realignment. The Department of Finance estimated CCI will result in costs of more than \$278 million in 2016-17 and \$42 million in 2017-18. Therefore, on January 10, 2017, the Director of Finance notified the Legislature that CCI is no longer cost effective and will be discontinued in 2017-18. As such, effective July 1, 2017, the state-county share of cost arrangement for the IHSS program that existed prior to implementation of CCI will be reinstated.

By eliminating the IHSS MOE and reinstituting the prior county share of costs, a total of \$622.7 million in IHSS costs will shift from the state to counties in 2017-18, based on current projections of program costs. Counties primarily rely on 1991 Realignment revenues to fund their share of IHSS costs. However, growth in 2017-18 realignment revenues alone will not be sufficient to cover the increased IHSS costs to counties. We are aware of the potential financial hardship and cash flow problems that counties may incur as a result of these new county costs, and we intend to work with counties to mitigate, to the extent possible, the impact of returning the 35-percent share of non-federal costs for IHSS to counties.

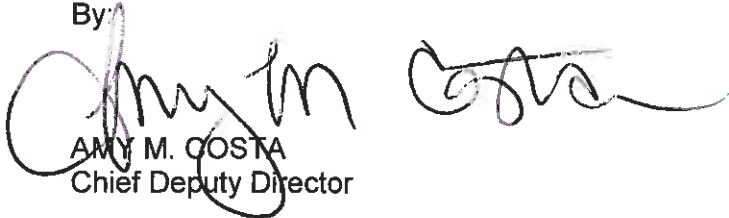
We are currently working with the Department of Social Services to determine the 2017-18 fiscal impact to each county resulting from the statutorily-required termination of the IHSS MOE. This information will be provided to you upon completion of the analysis.

If you have any questions or need additional information regarding this matter, please call Jay Kapoor, Assistant Program Budget Manager, at (916) 445-6423.

MICHAEL COHEN

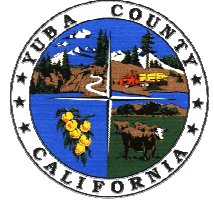
Director

By:

A handwritten signature in black ink, appearing to read "Amy M. Costa", is written over the typed name and title.

AMY M. COSTA
Chief Deputy Director

cc: Mr. Matt Cate, Executive Director, California State Association of Counties
Mr. Frank J. Mecca, Executive Director, County Welfare Directors Association of California
Ms. Karen Keeslar, Executive Director, California Association of Public Authorities
Mr. Michael Wilkening, Undersecretary, Health and Human Services Agency
Ms. Jennifer Kent, Director, Department of Health Care Services
Mr. Will Lightbourne, Director, Department of Social Services
Mr. Pete Cervinka, Chief Deputy Director, Department of Social Services
Ms. Lilia Young, Chief, Financial Management and Contracts Branch, Department of Social Services



The County of Yuba

Community Development and Services Agency

TO: Board of Supervisors

FROM: Community Development and Services Agency, Jeremy Strang

SUBJECT: Amending various sections of Chapter 7.40 of the Yuba County Ordinance Code relating to limited changes to align with Proposition 64

DATE: March 21, 2017

NUMBER: 74/2017

Recommendation

Introduce an ordinance amending sections of Chapter 7.40 of the Yuba County Ordinance Code relating to limited changes to align with the legal requirements of Proposition 64, as applicable to the unincorporated areas of Yuba County.

Background

These limited amendments are offered in an effort to ensure the current ordinance is consistent with the legal requirements of Proposition 64.

In November of 2016, the voters of the State approved Proposition 64, The Adult Use of Marijuana Act (AUMA) which expanded the scope of marijuana regulations for both the State as well as local jurisdictions including legalizing possession and use of non-medical marijuana for adults 21 years of age and older. Proposition 64 provides that local governments can reasonably regulate the personal cultivation of nonmedical marijuana, but cannot completely prohibit the personal indoor cultivation of up to six (6) living marijuana plants inside a private residence or in an accessory structure to a private residence as long as the accessory structure is fully enclosed and secure. "Private residence" is defined as a house, an apartment unit, a mobile home, or other similar dwelling. Proposition 64 allows the County the ability to enact rules and regulations that are consistent with State law. The Acts also created a lead State Agency called the Bureau of Cannabis Regulation to oversee all commercial

Discussion

The AUMA, among many other things, legalizes marijuana for persons 21 years of age, and older, for personal non-medical use with some exceptions. The AUMA authorizes the County of Yuba to adopt and enforce local rules and regulations that are consistent with the Act.

The proposed amendments to the existing Ordinance will expand the current medical marijuana regulations to include provisions for non-medical, personal use marijuana, and:

1. Modify various definitions to create clarity and align with State law.
2. Allow for cultivation within a private residence.
3. Align maximum number of plants to be consistent with State law.
4. Eliminate registration requirement.
5. Alter the date in which Administrative Penalties begin to accrue to coincide with the compliance date set forth in the Notice and Order to Abate.

Committee Action:

The Land Use and Public Works Committee was bypassed due to the time sensitive nature of this item.

Fiscal Impact:

There will be a reduction in revenue generated by registration fees; however, there will also be a reduction in workload associated with processing the registrations. There are no additional impacts to the General Fund.

Attachments

Amended Chapter 7.40 Yuba County Ordinance Code

ORDINANCE NO.**AN ORDINANCE AMENDING SECTIONS OF CHAPTER 7.40
MARIJUANA CULTIVATION**

The following ordinance consisting of three (3) sections was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on the ____ day of, _____ 2017 by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors County of
Yuba, State of California

ATTEST: Donna Stottlemeyer
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones
County Counsel



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

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

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

CHAPTER 7.40

**MEDICAL AND NON-MEDICAL
MARIJUANA CULTIVATION
FOR PERSONAL USE**

Sections

7.40.100 Authority

7.40.110 Purpose and Intent

7.40.120 Findings

7.40.130 Scope

7.40.140 No Vested Rights

7.40.1450 Responsibilities

7.40.1650 Private Right of Action

7.40.200 Definitions

7.40.300 Cultivation Restrictions

7.40.310 Cultivation Requirements

7.40.320 Accessory Structures Requirements

7.40.330 Fencing

7.40.340 Registration Requirements

7.40.400 Conditions Creating Public Nuisance

7.40.500 Enforcement Authority

7.40.510 Right of Entry/Inspection

7.40.520 Violations

7.40.530 Remedies

7.40.540 Notice and Order to Abate

7.40.550 Administrative Penalties

7.40.560 Enforcement Costs

7.40.600 Appeal

7.40.605 Appeal Hearings

7.40.610 Notice of Hearing

- 7.40.620 Powers of the Yuba County Board of Supervisors**
- 7.40.630 Fairness of Hearings**
- 7.40.635 Evidentiary Rules**
- 7.40.640 Order of Proceeding at Hearing**
- 7.40.645 Speakers' Presentation**
- 7.40.650 Submission of Additional Written Evidence and Argument**
- 7.40.655 Field Trips**
- 7.40.660 Recording**
- 7.40.670 Decision**
- 7.40.680 Severability**

ARTICLE I GENERAL PROVISIONS

7.40.100 Authority

Pursuant to authority granted by Article XI Section 7 of the California Constitution, Sections 11362.2(b)(1) and 11362.83(c) of the California Health and Safety Code and Section 25845 of the California Government Code, the Yuba County Board of Supervisors does hereby enact this Chapter.

7.40.110 Purpose & Intent

The purpose and intent in adopting this Chapter is to acknowledge State law as it relates to the cultivation of marijuana for personal medical and non-medical use, as defined prescribed by 7.40.200:M, herein in order medical marijuana and to reduce conditions that create public nuisances through enacting these regulations including without limitation, restrictions as to location of cultivation, the number of marijuana plants, and the use of screening and security structures, to more effectively control the adverse impacts associated with marijuana cultivation ~~as stated herein~~, while considering the desires of the general public, qualified patients, and primary caregivers, and individuals who cultivate medical and non-medical marijuana, for personal use, in furtherance of the public necessity, health, safety, convenience, and general welfare within the Board's jurisdictional limits. Nothing in this Chapter shall be construed to authorize any use, possession, cultivation, manufacture, transportation, and/or distribution of marijuana for non-medical purposes or that is in violation of state or federal law regulating such activities.

7.40.120 Findings

- A. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision.
- B. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person

to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation, or possession of marijuana for medical purposes.

- C. Division 10 of the California Health and Safety Code, Uniform Substance Control Act, makes it unlawful, under State law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana.
- D. In 1996, the voters of the State of California approved Proposition 215, "The Compassionate Use Act", (codified as Health and Safety Code Section 11362.5) which was intended to decriminalize cultivation and possession of medical marijuana by a seriously ill patient, or the patient's primary caregiver, for the patient's personal use, and to create a limited defense to the crimes of possessing or cultivating marijuana. The Act further provided that nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes.
- E. The State enacted SB 420 in 2004 (known as the "Medical Marijuana Program Act", codified as Health and Safety Code Section 11362.7 et seq.) to expand and clarify the scope of The Compassionate Use Act of 1996 by creating the Medical Marijuana Identification Card program, creating reasonable regulations for cultivating, processing, transporting and administering marijuana, as well as limiting the amount marijuana a qualified individual may possess. The Medical Marijuana Program Act defines a "primary caregiver" as an individual who is designated by a qualified patient or by a person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person and is further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal.4th 274.
- F. In 2015 the State enacted AB243, AB266 and SB643 (known as the Medical Cannabis Regulation and Safety Act or "MCRSA"). The three bills created the Bureau of Medical Marijuana Regulation to oversee commercial activities related to the cultivation, testing, manufacturing, distribution and dispensing of medical marijuana in conjunction with the Department of Food and Agriculture and the Department of Public Health. The MCRSA also established the regulatory framework for licensing each activity associated with commercial medical marijuana, including authorizing local jurisdictions to also license and regulate commercial activities related to medical cannabis, while preserving a local jurisdiction's ability to further regulate personal use medicinal marijuana up to and including a complete ban. -
- G. In 2016, the voters of the State of California approved Proposition 64, The Adult Use of Marijuana Act (AUMA) which, among other things, legalizes marijuana cultivation, possession and use for those 21 years of age, and older, for personal non-medical use with some limitations. The Act further provides the regulatory framework to license, regulate, and tax non-medical cannabis for commercial activities through a variety of State Agencies with the ultimate oversight lying with the Bureau of Cannabis Regulation – formerly the Bureau of Medical Marijuana Regulation. The AUMA also authorizes local jurisdictions to further regulate, license and tax commercial cannabis activities, including allowing the reasonable regulation of personal use non-medical marijuana.

- | F.H. The County's geographic and climatic conditions, which include dense forested areas receiving substantial precipitation, provide conditions that are favorable to outdoor marijuana cultivation, thus growers can achieve a high per-plant yield. The Federal Drug Enforcement Administration reports that various types of marijuana plants under various planting conditions may yield averages of 236 grams, or about one-half (1/2) pound, to 846 grams, or nearly two (2) pounds.
- | G.I. The strong distinctive odor of marijuana plants creates an attractive nuisance, alerting persons to the location of the valuable plants, and has resulted in burglary, robbery and armed robbery.
- | H.J. The strong and distinctive odor of marijuana plants creates a need to ensure that smells that disrupt the use of adjacent properties are minimized, much in the same way that the County has ordinances currently in place to minimize the smells associated with raising livestock.
- | I.K. Children (minor under the age of 18) are particularly vulnerable to the effects of marijuana use and the presence of marijuana plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children (including schools, parks, and other similar locations).
- | J.L. The unregulated cultivation of marijuana in the unincorporated area of Yuba County can adversely affect the health, safety, and well-being of the County, its residents and environment. Comprehensive civil regulation of premises used for marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation, and that are especially significant if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.
- | K.M. The indoor Cultivation of substantial amounts of ~~M~~marijuana within a residence presents potential health and safety risks to those living in the residence, especially to children, including, but not limited to, increased risk of fire from grow light systems, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes targeting the residence.
- | L.N. Comprehensive restriction of premises used for marijuana cultivation is proper and necessary to address the risks and adverse impacts as stated herein, that are especially significant if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.
- | M.O. Outdoor marijuana cultivation, especially within the foothills, is creating devastating impacts to California's surface and groundwater resources. The State Water Resources Control Board, the North Coast Regional Water Quality Control Board, the Central Valley Regional Water Quality Control Board and the Department of Fish and Wildlife have seen a dramatic increase in the number of marijuana gardens, and corresponding increases in impacts to water supply and water quality, including the discharge of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. The sources of these impacts result from unpermitted and unregulated timber clearing, road development, stream diversion for irrigation, land grading, erosion of disturbed surfaces and stream banks, and temporary human occupancy without proper sanitary facilities.

N.P. The immunities from certain prosecution provided to qualified patients and their primary caregivers under State law to cultivate medical marijuana plants for medical purposes, as well as the legalization to cultivate marijuana for recreational use does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter, the County will achieve a significant reduction in the complaints of odor and the risks of fire, crime and pollution caused or threatened by the unregulated cultivation of marijuana in the unincorporated area of Yuba County.

O.Q. Nothing in this Chapter shall be construed to allow the use of marijuana for medical and/or non-medical purposes, or allow any activity relating to the cultivation, manufacture, transportation, distribution, or consumption of marijuana that is otherwise illegal under State law. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the County of Yuba, Yuba County District Attorney, the Attorney General of State of California, or the United States of America.

P.R. In *Browne v. County of Tehama*, 213 Cal. App. 4th 704 (2013), the California Court of Appeal stated that “Neither the Compassionate Use Act nor the Medical Marijuana Program grants . . . anyone . . . an unfettered right to cultivate marijuana for medical purposes. Accordingly, the regulation of cultivation of medical marijuana does not conflict with either statute.” Similarly, in *City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc.*, 56 Cal. 4th 729 (2013), the California Supreme Court concurred that “Nothing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land . . .” Additionally, in *Maral v. City of Live Oak* (2013), 221 Cal.App. 4th 975, 983, review denied 2014 Cal. LEXIS 2402 (March 26, 2014), the same Court of Appeal held that “there is no right—and certainly no constitutional right—to cultivate medical marijuana . . .” The Court in *Live Oak* affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

S. State law authorizes a person 21 years, or older, to possess, process, transport, purchase, obtain, or give away, without any compensation whatsoever, not more than 28.5 grams of marijuana not in the form of concentrated cannabis and not more than 8 grams of concentrated cannabis for personal medical and/or non-medical use.

T. State law authorizes a person 21 years, or older, to possess, plant, cultivate, harvest, dry, or process not more than 6 (six) living marijuana plants and possess the marijuana produced by the plants.

U. State law exempts from licensure the cultivation of a limited number of marijuana plants for both medical and non-medical personal use and authorizes local jurisdictions to reasonably regulate cultivation through local land use and zoning laws.

~~Q.~~ On May 1, 2012, the Board of Supervisors adopted Ordinance No. 1518 to regulate marijuana cultivation. On December 18, 2012, Ordinance 1522 was adopted revising Ordinance 1518 to modify enforcement procedures and requirements to a specific plant count based on property size from square foot of area for cultivation. The provisions of both Ordinances have proven to be inadequate to control the negative impacts of marijuana cultivation. Since the adoption of Ordinance No. 1522, there has been increased Marijuana Cultivation throughout the unincorporated areas of the County in violation of the provisions of that ordinance. In addition, the graduated areas for cultivation, based on parcel size, have

~~proven cumbersome and problematic to administer and enforce. For example, the original limits were based on square feet of total Cultivation area, leading to uncertainty in measurement when the plants were not cultivated in a defined contiguous area, and the need for multiple inspections throughout the grow season. The current revisions contained in this ordinance are intended to address the aforementioned concerns, and simplify the regulations to be more readily understood by those affected, to expedite the code enforcement process and to more effectively control the adverse impacts associated with marijuana cultivation as stated herein, while considering the desires of Qualified Patients and their Primary Caregivers.~~

7.40.130 Scope

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

7.40.140 No Vested Rights

The provisions contained in this Chapter shall supersede any previous regulations related to marijuana cultivation. No person, firm, corporation or entity shall have any vested right to cultivate marijuana in any manner that is contrary to or inconsistent with the provisions contained herein.

7.40.1540 Responsibilities

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

7.40.1560 Private Right of Action

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

ARTICLE 2 DEFINITIONS

7.40.200 Definitions

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

- A. "Accessory Structure" means a legally built attached garage, or a separately permitted and permitted building located on the same parcel as the residence.
- B. "Code" means the Yuba County Ordinance Code.
- C. "Code Enforcement Officer" means any person employed by the County of Yuba and appointed to the position of code enforcement officer.
- D. "Costs of Enforcement" or "Enforcement Costs" means all costs, direct or indirect, actual or incurred related to the performance of various administrative acts required pursuant to the enforcement of this Chapter, which include but are not limited to: administrative overhead, salaries and expenses incurred by County Officers, site inspections, investigations, notices, telephone contacts and correspondence, conducting hearings, as well as time expended by County staff in calculating the above expenses. The costs also include the cost of time and expenses associated with bringing the matter to hearing, the costs associated with any appeals from any decision rendered by any hearing body, the costs of judicially abating a violation and all costs associated with removing, correcting or otherwise abating any violation including administrative penalties of this Chapter.
- E. "County" means the County of Yuba.
- "Cultivation" for the purpose of this Chapter, means the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof, for medical and non-medical personal use, in any location, indoor or outdoor, including from within a fully enclosed and secure building.
- F. "Defined Area of Cultivation" means a single, indoor, area wherein all portions of cultivation are within one accessory structure or dwelling unit residence, the structure or residence is lockable, and is completely screening-screened the cultivation from public view.
- G. "Dwelling" means a building intended for human habitation that has been legally established, permitted and certified as a single-family or multi-family dwelling.
- H. "Enforcement Official" means the Code Enforcement Officer or the Sheriff, or the authorized deputies or designees of either, each of whom is independently authorized to enforce this Chapter.
- I. "Fence" means a solid wall or a barrier connected by boards (redwood or cedar), masonry, rails, panels, or any other materials typically utilized for residential fences (subject to the approval of the Community Development and Services Agency) for the purpose of enclosing, securing, and screening space from public view. The term "Fence" does not include retaining walls.
- J. "Indoors" means within a fully enclosed structure, with a solid roof, ~~floor,~~ and walls. The structure must be securable against unauthorized entry and constructed of solid materials such as 3/8" or thicker plywood, glass, or equivalent materials. Shade-cloth covered and plastic sheeting covered, regardless of gauge, or similar products do not satisfy this requirement.

J.K. "Manufacture" or "Manufacturing" means compounding, converting, producing, deriving, processing, or preparing, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, marijuana products.

K.L. "Marijuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. Shall have the same meaning as Section 11018 of the California Health and Safety Code. For the purposes of this Chapter, "Marijuana" shall include the terms: "Medical Marijuana", "Non-Medical Marijuana", "Recreational Marijuana" and/or "Cannabis" which shall be limited to personal use and not for commercial purposes.

L.M. "Marijuana plant" means any mature or immature marijuana plant including the stalks of the plant, or any marijuana seedling, that is capable of producing marijuana. A "mature" marijuana plant is one whose sex can be determined by visual inspection.

M.N. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.

N.O. "Parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of the Government Code) and also means parcels that are described, recorded and kept in official County records specifically including documents and maps used by the County Assessor's Office, the County Tax Collector's Office and the County Recorder's Office.

O.P. "Primary Caregiver" shall have the same meaning as "primary caregiver" as defined in the California Health and Safety Code, commencing with Sections 11362.5(e) and 11362.7(d), and as further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal.4th 274.

P.Q. "Public View" shall mean as viewed at ground level, without the use of a ladder or similar device, from any place the general public has a lawful right to be including the public right of way, a public way or neighboring premises.

Q.R. "Qualified Patient" shall have the same meaning as "qualified patient" as defined in the California Health and Safety Code, commencing with Section 11362.7(f).

R.S. "Residence" shall have the same meaning as Section 11362.2(b)(5) of the California Health and Safety Code. "Residence" shall be synonymous with "Dwelling".

S.T. "Sheriff" or "Sheriff's Office" means the Yuba County Sheriff's Office or the authorized representatives thereof.

ARTICLE 3 RESTRICTIONS AND REQUIREMENTS

7.40.300 Cultivation Restrictions

- A. Outdoor cultivation of marijuana on any Parcel is prohibited.
- ~~B. Cultivation within a Dwelling or any other structure used or intended for human habitation is prohibited.~~
- ~~C. Cultivation of more than twelve-six (126) marijuana plants within a single Residence or within a single Accessory Structure on any Parcel is prohibited. The foregoing limitation shall be imposed regardless of the number of qualified patients or primary caregivers individuals residing on the Parcel or participating directly or indirectly in the cultivation. Further, this limitation shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.~~
- ~~B.~~
- ~~D. All persons and entities engaging in the cultivation of marijuana shall:~~
 - ~~1. Have a legal water source on the Parcel;~~
 - ~~2. Not engage in unlawful or unpermitted surface drawing of water for such cultivation; and~~
 - ~~3. Not permit illegal discharges of water from the parcel.~~
- C. Marijuana cultivation shall not adversely affect the environment or the public health, safety, or general welfare by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration, by the use or storage of plant or animal poisons, or hazardous materials, processes, products or wastes, or by any other way.
- ~~E.D. No portion of any structure shall be altered unless a building permit has first been obtained, and under no circumstance shall any alteration or use of any equipment create a fire, life, safety hazard.~~
- ~~F. Applicants seeking authorization to cultivate marijuana on parcels where active Code Enforcement violations of any provision of the Yuba County Ordinance Code exist shall first correct Code violations prior to cultivating marijuana.~~

7.40.310 Cultivation Requirements

- A. Cultivation may only occur on a Parcel improved with an occupied, legally established, Dwelling-Residence in conformance with this Chapter. The cultivation shall be contained within the Defined Area of Cultivation within a residence or in one, single, residential accessory structure affixed to the real property that:
 - 1. Meets the definition of "Indoor;"
 - 2. That is located on the same Parcel as the Dwelling of a qualified patient(s) or a primary caregiver(s);
 - ~~2.3. That is lockable to prevent unauthorized access, and~~
 - ~~3.4. That complies with all of the provisions of the Yuba County Code relating to accessory structures including, but not limited to, the County's Development Code in Title XI, and construction codes in Title X of the Yuba County Ordinance Code. Where the provisions of this Chapter are more restrictive than other portions of the Yuba County Code the provisions of this Chapter shall govern.~~

~~G.B. All persons and entities engaging in the cultivation of marijuana shall:~~

~~4.1. Have a legal water source on the Parcel;~~

~~5.2. Not engage in unlawful or unpermitted surface drawing of water for such cultivation; and~~

~~6.3. Not permit illegal discharges of water from the parcel.~~

7.40.320 Accessory Structure Requirements

A. ~~Accessory s~~Structures used for the cultivation of marijuana shall meet all of the following criteria:

1. The ~~residence or~~ accessory structure, regardless of size, shall be legally constructed with all applicable development permits including, but not limited to, grading, structural, electrical, mechanical and plumbing approved by the applicable authorities prior to any cultivation activity. The conversion of any existing ~~accessory~~ structure, or portion thereof, for cultivation shall be subject to these same permit requirements and must be inspected for compliance by the applicable authorities prior to any cultivation.
2. ~~The An~~ accessory structure shall not be built or placed within any mandatory setback required by the Yuba County Ordinance Code.
3. The ~~residence or~~ accessory structure shall be equipped with permanently installed and permitted electricity, and shall not be served by temporary extension cords. Electrical wiring conductors shall be sized based on the currently adopted California Electrical Code with anticipated loads identified.
4. The ~~residence or~~ accessory structure shall be equipped with ~~an~~ permanently installed and permitted odor control filtration and ventilation system adequate to prevent ~~an odor, humidity, or mold problems~~ within the structure, and odors from exiting the structure. on the Parcel, or on adjacent parcels.
5. If ~~the an~~ accessory structure is a greenhouse, the panels shall be of glass or polycarbonate and should be opaque for security and visual screening purposes. Where the greenhouse panels are not obscure, the greenhouse shall be screened from view by a solid fence as described in Section 7.40.330 below.

~~B. Structures that are exempt from Building Permits by Yuba County Ordinance Code, Chapter 10.05, shall not be used for the cultivation of marijuana.~~

7.40.330 Fencing

A. Accessory structures that are required to be surrounded by a solid fence shall have a fence that is at least six (6) feet but not greater than (8) feet in height with a locking gate and conform to the following:

1. Fencing materials shall be in compliance with Section 7.40.200:Kj;
2. Location of fence shall meet zoning setback and height requirements;
3. Fences over seven (7) feet in height will require proof of an approved building permit; and
4. The fence and gate must be adequately secure to prevent unauthorized entry and keep the area out of reach of minors.

Exception: Topography, natural vegetation, bushes or hedgerows alone may constitute an

adequate fence for the purposes of this Section, but shall be subject to the approval of Yuba County Community Development and Services Agency (CDSA).

7.40.340 Registration Requirements

- ~~A. The cultivation of marijuana in any quantity upon any premises without first registering the cultivation and paying the required fee as listed within Title XIII of this Code is hereby declared to be unlawful and a public nuisance and may be abated in accordance with this Chapter.~~
- ~~B. The Registration Application shall be prescribed by Yuba County Community Development and Services Agency (CDSA) and shall at a minimum contain the following:~~
 - ~~1. The person(s) owning, leasing, occupying, or having charge or possession of any premises have submitted the required annual registration for the premises to CDSA, and provided all of the following current information and documentation to CDSA:~~
 - ~~a. The name of each person, owning, leasing, occupying, or having charge or possession of the premises;~~
 - ~~b. The name of each qualified patient or primary caregiver who participates in the cultivation, either directly or by providing reimbursement for marijuana or the services provided in conjunction with the provision of that marijuana;~~
 - ~~c. A copy of the current valid medical recommendation or State issued medical marijuana card for each qualified patient identified as required above, and for each qualified patient for whom any person identified as required above is the primary caregiver;~~
 - ~~d. The number of marijuana plants cultivated on the premises; and~~
 - ~~e. Such other information and documentation as the Department determines is necessary to ensure compliance with State law and this Chapter.~~
 - ~~2. The registration shall contain a statement in substantially the following form: By submitting this registration, the property owner and the cultivator, if different, will allow an enforcing officer(s) to enter the property, at a reasonable time, to inspect for compliance with this Chapter.~~
 - ~~3. The registration shall contain a statement, under penalty of perjury, that the information is true and accurate.~~
- ~~C. Where the registration application is deemed complete, and no violations or conditions are identified to prohibit marijuana cultivation, a registration number shall be provided to the applicants. The registration number shall be kept with the cultivation and shall be presented to the inspecting officer upon request.~~
- ~~D. This information and documentation shall be received in confidence, and shall be used or disclosed only for purposes of administration or enforcement of this Chapter or State law, or as otherwise required by law.~~
- ~~E. The Board of Supervisors shall, by Resolution, establish a fee for such annual registration in accordance with all applicable legal requirements.~~
- ~~F. Every registration under this Chapter shall be valid for no more than one calendar year and shall expire on December 31st of that year. An expired registration shall be renewed in the same manner as an initial registration hereunder. In the event that the registration of any premises for any calendar year is submitted after March 1st of that year, the registrant shall~~

~~pay a late registration penalty equal to fifty percent (50%) of the applicable registration fee. The Director of CDSA may waive the late registration penalty if the failure to timely register was due to reasonable cause and not due to willful neglect.~~

- ~~G. If the person(s) cultivating marijuana on any legal parcel is/are not the legal owner(s) of the parcel, such person(s) shall submit a notarized letter from the legal owner(s) consenting to the cultivation of marijuana on the parcel. Notwithstanding the foregoing, the owner of a Parcel where the cultivator has not obtained a notarized letter shall still be responsible for any nuisance that has been determined to exist upon their property. The Department shall prescribe forms for such letters.~~
- ~~H. No person(s) shall have any vested rights to any authorization, right, or interest under this Ordinance, regardless of whether such person(s) cultivated marijuana prior to the adoption of this Ordinance. Nothing in this section shall be construed to confer a right to cultivate marijuana prior to the actual approval of a registration application by the Department.~~

ARTICLE 4 PUBLIC NUISANCE

7.40.400 Conditions Creating Public Nuisance

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

- ~~A. Any person owning, leasing, occupying or having charge or possession of any Parcel within the unincorporated area of the County to cause or allow such Parcel to be used for the cultivation of marijuana in violation of the provisions contained herein, or any provisions set forth in Division 10 of the California Health and Safety Code.~~
- ~~B. The cultivation of marijuana on a Parcel that does not have an occupied legally established Dwelling in conformance with this Chapter.~~
- ~~C.B. The cultivation of marijuana on a Parcel by anyone other than a qualified patient or a primary caregiver. A physician's recommendation shall be kept onsite at all times and shall be posted in plain view for inspection. Where multiple people are cultivating, each physician recommendation shall be posted.~~
- ~~D.C. Marijuana plants in public view as defined in Section 7.40.200 of this Chapter.~~
- ~~E.D. The cultivation of marijuana in a manner that exceeds six12-(6) plants.~~
- ~~F.E. The improper use, storage and/or disposal (per the manufacturer's instructions and/or any law that governs same) of chemicals, fertilizers, gas products (CO2, butane, etc.) or any other products or equipment associated with the cultivation of marijuana.~~
- ~~G.F. Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence.~~

ARTICLE 5 ENFORCEMENT

7.40.500 Enforcement Authority

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

7.40.510 Right of Entry/Inspection

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

7.40.520 Violations

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

7.40.530 Remedies

- A. Any violation of this Chapter ~~shall~~ may be deemed a public nuisance and is subject to any enforcement process authorized by law or as outlined in this Code.
- B. Nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the County of Yuba or any other governmental entity to enforce County ordinances, to abate any and all nuisances, or employ any remedy available at law or equity.
- C. Issuance of a warning shall not be a requirement prior to using any enforcement provision of this Code. Violations are not tiered and are subject to enforcement without warning.
- C.D. The remedies provided in this Chapter are cumulative to all other remedies now or hereinafter available to abate or otherwise regulate or prevent violations related to the cultivation of marijuana.

7.40.540 Notice and Order to Abate

- A. Upon making a determination that a public nuisance exists, the Enforcement Official shall notify the owner and/or the alleged violator that a public nuisance exists, ~~upon such owner's property.~~ As to an owner, the Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner directs. As to an alleged violator whom the Enforcement Official has determined directly or indirectly contributed to the condition creating the nuisance, the Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, to the last known address of the alleged violator. In addition, the Notice and Order to Abate shall be delivered by first class mail, with postage prepaid, addressed to the owner and/or alleged violator at the same addresses. A copy shall also be posted on the property. The Enforcement Official shall complete a proof of service.
- B. The Notice and Order to Abate shall describe the use or condition which constitutes the public nuisance, and shall order that the uses or conditions constituting the nuisance be abated by demolition, securing, removal, cleanup, repair or other means within a reasonable time certain, normally being three (3) business days, as determined necessary for such abatement by the Enforcement Official. ~~Based upon the nature and complexity of the abatement process, normally being three (3) days, or less, from the Enforcement Official shall identify the date certain for compliance on the Notice and Order to Abate Public Nuisance, the date such notice is mailed and/or posted.~~

7.40.550 Administrative Penalties

- A. Any person who violates this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, the violation is committed, permitted or continued. In addition to the actual abatement and/or administrative costs incurred by the County any person who has been issued a Notice and Order to Abate Public Nuisance shall be assessed an Administrative Penalty as follows:
 - 1. A penalty of \$100.00 for each violation of this Code per day as set forth in the Notice and Order to Abate.
 - 2. A penalty of \$200.00 for each violation of this Code per day when a second violation of this Code occurs within eighteen (18) months of a previously issued Notice and Order to Abate.
 - 3. A penalty of \$500.00 for each violation of this Code per day for each subsequent violation of this Code beyond the second when the violation occurs within thirty-six (36) months of the original Notice and Order to Abate.
- B. For the purpose of calculating the daily Administrative Penalty, each offense of any Section of this Chapter shall be charged as a separate violation; in addition, each marijuana plant in violation of this Chapter shall be charged as a separate violation.
- C. The Administrative Penalty, pursuant to this Section, shall begin to accrue ~~accrue assessed immediately upon the expiration of the time to remedy the violations as set forth in the issuance of a~~ Notice and Order to Abate Public Nuisance and shall continue to accrue until the date compliance with the Order has been met and verified by the Enforcing Officer. In the event an appeal has been properly filed with the County, the appeal shall have no ~~effect~~ effect on the Administrative Penalty and said Penalty shall continue to accrue during

the pendency of the hearing. At the conclusion of the hearing the Yuba County Board of Supervisors is authorized to modify or waive the Administrative Penalty for cause and shall make express findings into the record for such modification or waiver.

7.40.560 Enforcement Costs

- A. All costs and penalties associated with the enforcement of this Chapter are the responsibility of the owner(s) of any parcel(s) on which a nuisance has been found to exist and such costs shall be paid within 30 days of the date of demand thereof.
- B. Where costs and penalties go unpaid beyond 30 days, the Enforcement Official shall take action to confirm the costs, record a lien and place a special tax assessment pursuant to procedures as set forth in Chapter 7.36 of the Yuba County Ordinance Code.

ARTICLE 6 APPEALS AND UNIFORM HEARINGS AND PROCEDURES

7.40.600 Appeal

Any person who has received a Notice and Order to Abate Public Nuisance pursuant to this Chapter may request an appeal before the Yuba County Board of Supervisors within 10 calendar days of the date of the Notice and Order to Abate. The request for appeal shall be in writing and must be accompanied by a deposit for costs as enumerated in Title XIII of this Code.

7.40.605 Appeal Hearings

Abatement hearings and hearings to determine administrative penalties shall be heard by the Yuba County Board of Supervisors. The Board of Supervisors, in its discretion, may appoint a hearing officer or commissioner to hear and preside over such hearings.

7.40.610 Notice of Hearing

If the owner or alleged violator requests a hearing within ten (10) calendar days of the date of the Notice and Order to Abate, the Enforcement Official shall schedule a hearing and provide notice to the owner or alleged violator of the time and place the hearing will take place. Notice of the hearing shall be delivered by personal service or by Certified Return Receipt mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner or alleged violator provides. In addition, the Notice of Hearing shall be delivered by first class mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner or alleged violator provides. The Enforcement Official shall complete a proof of service. The hearing shall be set for a date that is not less than five (5) and not more than thirty (30) days from the date that the request for hearing is filed with the Enforcement Official.

7.40.620 Powers of the Yuba County Board of Supervisors

The Yuba County Board of Supervisors shall have the power to conduct the hearing, the power to decide a matter upon which a hearing has been held, the power to make findings of fact and conclusions of law required for the decision, the power to issue subpoenas, the power to receive evidence, the power to administer oaths, the power to rule on questions of law and the admissibility of evidence, the power to continue the hearing from time to time, and the power to prepare a record of the proceedings.

7.40.630 Fairness of Hearings

Hearings shall be conducted in a manner suitable to ensure fundamental fairness to all parties concerned, limited by the need to secure relevant information necessary to render a decision without unnecessary delay.

7.40.635 Evidentiary Rules

The hearing need not be conducted according to technical rules relating to evidence. Any evidence may be presented if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but may be rejected if deemed to be unreliable. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at a hearing. Unduly repetitious or irrelevant evidence shall be excluded at the discretion of the Yuba County Board of Supervisors.

7.40.640 Order of Proceeding at Hearing

The Yuba County Board of Supervisors shall ordinarily proceed in the following order when conducting hearings:

- A. The Enforcement Official's presentation shall proceed first. It should include identification of the file and property, a summary of the history and matters at issue, a staff analysis of the legal and factual issues involved, permitted uses to which the property was and is subject, and accounting of enforcement costs relating to the property, and a recommended decision.
- B. A presentation by or on behalf of the appellant shall next proceed.
- C. Tenants or other occupants of the subject property shall speak third.
- D. Individuals who are not appealing but own property immediately contiguous to the subject property shall speak fourth.
- E. Other interested parties shall speak fifth.
- F. The appellant shall be entitled to rebuttal.

7.40.645 Speakers' Presentation

Each speaker shall approach the microphone and give his or her full name and address for the record.

- A. Each speaker's presentation shall be to the point and shall be as brief as possible; visual and other materials may be used as appropriate, but, if used, shall become part of the public record and the property of the County. The Yuba County Board of Supervisors may establish a time limit for presentations; provided, however, that at least ten minutes shall be allowed for each speaker. Speakers shall, at the discretion of the Yuba County Board of Supervisors, be allowed to speak for longer than ten minutes if that speaker represents a group of individuals, the remainder of which chose not to speak. Speakers with lengthy presentations are encouraged to submit them in writing. There shall be no limitation upon length of written statements.
- B. The Yuba County Board of Supervisors shall hear testimony and receive written and/or documentary evidence relating to the alleged violation. The parties may be represented by legal counsel. Testimony shall be taken on oath or affirmation. Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues presented; to impeach any witness; and to rebut evidence. Witnesses shall be subject to cross-examination by the Yuba County Board of Supervisors.
- C. Subject to the Yuba County Board of Supervisors' right to accept a motion to conclude the taking of all testimony or to close the public hearing when a reasonable opportunity to present all questions and points of view has been allowed, any person wishing to speak shall be heard. Except for rebuttal allowed, each speaker shall speak only once.
- D. The Yuba County Board of Supervisors shall preserve all photographs and other documentary evidence introduced at the time of the hearing. After all of the testimony is taken, the Yuba County Board of Supervisors shall close the public hearing unless he or she deems it necessary to continue the hearing for the receipt of additional evidence or an ordinance interpretation from the Affected Department.

7.40.650 Submission of Additional Written Evidence and Argument

At any time before or after the hearing up to the point the hearing is closed by the Yuba County Board of Supervisors, any interested party may submit written evidence or argument. In the event the Yuba County Board of Supervisors concludes the hearing and continues the decision to another time, the Yuba County Board of Supervisors may, in their discretion, set a deadline for submission of written argument. Except for the receipt of written argument, no ex parte communications, either direct or indirect, shall be received by the Yuba County Board of Supervisors during the period of a continuance or after the public hearing has been closed.

7.40.655 Field Trips

Whenever the Yuba County Board of Supervisors deems it necessary to take a field trip to view the site in question, the Yuba County Board of Supervisors may conduct a site visit. Unless the site visit is tape recorded, the Yuba County Board of Supervisors shall not talk to any members of the public during the conduct of such site visit. After the conduct of a site visit, the Yuba County Board of Supervisors shall place into the record the visual observations made and the conclusions drawn as a result of such visit.

7.40.660 Recording

All proceedings shall be recorded. If a verbatim transcript is desired, the person requesting the transcript shall have the responsibility for arranging for the appearance of a court reporter to transcribe the hearing. In the event that a court reporter is present at the request of an interested party, the party retaining the court reporter shall provide a copy of the reporter's written transcript to the Yuba County Board of Supervisors at no charge to the County.

7.40.670 Decision

The decision of the Yuba County Board of Supervisors is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16.

7.40.680 Severability

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

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

ORDINANCE NO.**AN ORDINANCE AMENDING SECTIONS OF CHAPTER 7.40
MARIJUANA CULTIVATION**

The following ordinance consisting of three (3) sections was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on the ____ day of, _____ 2017 by the following vote:

AYES:

NOES:

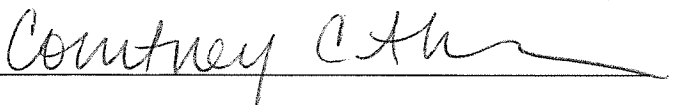
ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors County of
Yuba, State of California

ATTEST: Donna Stottlemeyer
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones
County Counsel



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

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

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

CHAPTER 7.40

**MEDICAL AND NON-MEDICAL
MARIJUANA CULTIVATION
FOR PERSONAL USE**

Sections

- 7.40.100 Authority**
- 7.40.110 Purpose and Intent**
- 7.40.120 Findings**
- 7.40.130 Scope**
- 7.40.140 No Vested Rights**
- 7.40.150 Responsibilities**
- 7.40.160 Private Right of Action**
- 7.40.200 Definitions**
- 7.40.300 Cultivation Restrictions**
- 7.40.310 Cultivation Requirements**
- 7.40.320 Structure Requirements**
- 7.40.330 Fencing**
- 7.40.400 Conditions Creating Public Nuisance**
- 7.40.500 Enforcement Authority**
- 7.40.510 Right of Entry/Inspection**
- 7.40.520 Violations**
- 7.40.530 Remedies**
- 7.40.540 Notice and Order to Abate**
- 7.40.550 Administrative Penalties**
- 7.40.560 Enforcement Costs**
- 7.40.600 Appeal**
- 7.40.605 Appeal Hearings**
- 7.40.610 Notice of Hearing**
- 7.40.620 Powers of the Yuba County Board of Supervisors**
- 7.40.630 Fairness of Hearings**

7.40.635 Evidentiary Rules**7.40.640 Order of Proceeding at Hearing****7.40.645 Speakers' Presentation****7.40.650 Submission of Additional Written Evidence and Argument****7.40.655 Field Trips****7.40.660 Recording****7.40.670 Decision****7.40.680 Severability**

ARTICLE I

GENERAL PROVISIONS

7.40.100 Authority

Pursuant to authority granted by Article XI Section 7 of the California Constitution, Sections 11362.2(b)(1) and 11362.83(c) of the California Health and Safety Code and Section 25845 of the California Government Code, the Yuba County Board of Supervisors does hereby enact this Chapter.

7.40.110 Purpose & Intent

The purpose and intent in adopting this Chapter is to acknowledge State law as it relates to the cultivation of marijuana for personal medical and non-medical use in order to reduce conditions that create public nuisances through enacting these regulations including without limitation, restrictions as to location of cultivation, the number of marijuana plants, and the use of screening and security structures, to more effectively control the adverse impacts associated with marijuana cultivation, while considering the desires of the general public, qualified patients, primary caregivers, and individuals who cultivate medical and non-medical marijuana, for personal use, in furtherance of the public necessity, health, safety, convenience, and general welfare within the Board's jurisdictional limits. Nothing in this Chapter shall be construed to authorize any use, possession, cultivation, manufacture, transportation, and/or distribution of marijuana in violation of state or federal law regulating such activities.

7.40.120 Findings

- A. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision.
- B. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation, or possession of marijuana for medical purposes.
- C. Division 10 of the California Health and Safety Code, Uniform Substance Control Act, makes it unlawful, under State law, for any person to cultivate, manufacture, distribute or

dispense, or possess with intent to manufacture, distribute or dispense, marijuana.

- D. In 1996, the voters of the State of California approved Proposition 215, "The Compassionate Use Act", (codified as Health and Safety Code Section 11362.5) which was intended to decriminalize cultivation and possession of medical marijuana by a seriously ill patient, or the patient's primary caregiver, for the patient's personal use, and to create a limited defense to the crimes of possessing or cultivating marijuana. The Act further provided that nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes.
- E. The State enacted SB 420 in 2004 (known as the "Medical Marijuana Program Act", codified as Health and Safety Code Section 11362.7 et seq.) to expand and clarify the scope of The Compassionate Use Act of 1996 by creating the Medical Marijuana Identification Card program, creating reasonable regulations for cultivating, processing, transporting and administering marijuana, as well as limiting the amount marijuana a qualified individual may possess. The Medical Marijuana Program Act defines a "primary caregiver" as an individual who is designated by a qualified patient or by a person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person and is further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal.4th 274.
- F. In 2015 the State enacted AB243, AB266 and SB643 (known as the Medical Cannabis Regulation and Safety Act or "MCRSA"). The three bills created the Bureau of Medical Marijuana Regulation to oversee commercial activities related to the cultivation, testing, manufacturing, distribution and dispensing of medical marijuana in conjunction with the Department of Food and Agriculture and the Department of Public Health. The MCRSA also established the regulatory framework for licensing each activity associated with commercial medical marijuana, including authorizing local jurisdictions to also license and regulate commercial activities related to medical cannabis, while preserving a local jurisdiction's ability to further regulate personal use medicinal marijuana up to and including a complete ban.
- G. In 2016, the voters of the State of California approved Proposition 64, The Adult Use of Marijuana Act (AUMA) which, among other things, legalizes marijuana cultivation, possession and use for those 21 years of age, and older, for personal non-medical use with some limitations. The Act further provides the regulatory framework to license, regulate, and tax non-medical cannabis for commercial activities through a variety of State Agencies with the ultimate oversight lying with the Bureau of Cannabis Regulation – formerly the Bureau of Medical Marijuana Regulation. The AUMA also authorizes local jurisdictions to further regulate, license and tax commercial cannabis activities, including allowing the reasonable regulation of personal use non-medical marijuana.
- H. The County's geographic and climatic conditions, which include dense forested areas receiving substantial precipitation, provide conditions that are favorable to outdoor marijuana cultivation, thus growers can achieve a high per-plant yield. The Federal Drug Enforcement Administration reports that various types of marijuana plants under various planting conditions may yield averages of 236 grams, or about one-half (1/2) pound, to 846 grams, or nearly two (2) pounds.

- I. The strong distinctive odor of marijuana plants creates an attractive nuisance, alerting persons to the location of the valuable plants, and has resulted in burglary, robbery and armed robbery.
- J. The strong and distinctive odor of marijuana plants creates a need to ensure that smells that disrupt the use of adjacent properties are minimized, much in the same way that the County has ordinances currently in place to minimize the smells associated with raising livestock.
- K. Children (minor under the age of 18) are particularly vulnerable to the effects of marijuana use and the presence of marijuana plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children (including schools, parks, and other similar locations).
- L. The unregulated cultivation of marijuana in the unincorporated area of Yuba County can adversely affect the health, safety, and well-being of the County, its residents and environment. Comprehensive civil regulation of premises used for marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation, and that are especially significant if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.
- M. The indoor Cultivation of substantial amounts of marijuana within a residence presents potential health and safety risks to those living in the residence, especially to children, including, but not limited to, increased risk of fire from grow light systems, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes targeting the residence.
- N. Comprehensive restriction of premises used for marijuana cultivation is proper and necessary to address the risks and adverse impacts as stated herein, that are especially significant if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.
- O. Outdoor marijuana cultivation, especially within the foothills, is creating devastating impacts to California's surface and groundwater resources. The State Water Resources Control Board, the North Coast Regional Water Quality Control Board, the Central Valley Regional Water Quality Control Board and the Department of Fish and Wildlife have seen a dramatic increase in the number of marijuana gardens, and corresponding increases in impacts to water supply and water quality, including the discharge of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. The sources of these impacts result from unpermitted and unregulated timber clearing, road development, stream diversion for irrigation, land grading, erosion of disturbed surfaces and stream banks, and temporary human occupancy without proper sanitary facilities.
- P. The immunities from certain prosecution provided to qualified patients and their primary caregivers under State law to cultivate medical marijuana plants for medical purposes, as well as the legalization to cultivate marijuana for recreational use does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter, the County will achieve a significant reduction in the complaints of odor and the risks of fire, crime and pollution caused or threatened by the unregulated cultivation of marijuana in the unincorporated area of Yuba County.

- Q. Nothing in this Chapter shall be construed to allow the use of marijuana for medical and/or non-medical purposes, or allow any activity relating to the cultivation, manufacture, transportation, distribution, or consumption of marijuana that is otherwise illegal under State law. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the County of Yuba, Yuba County District Attorney, the Attorney General of State of California, or the United States of America.
- R. In *Browne v. County of Tehama*, 213 Cal. App. 4th 704 (2013), the California Court of Appeal stated that “Neither the Compassionate Use Act nor the Medical Marijuana Program grants . . . anyone . . . an unfettered right to cultivate marijuana for medical purposes. Accordingly, the regulation of cultivation of medical marijuana does not conflict with either statute.” Similarly, in *City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc.*, 56 Cal. 4th 729 (2013), the California Supreme Court concurred that “Nothing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land . . .” Additionally, in *Maral v. City of Live Oak* (2013), 221 Cal.App. 4th 975, 983, review denied 2014 Cal. LEXIS 2402 (March 26, 2014), the same Court of Appeal held that “there is no right—and certainly no constitutional right—to cultivate medical marijuana . . .” The Court in *Live Oak* affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.
- S. State law authorizes a person 21 years, or older, to possess, process, transport, purchase, obtain, or give away, without any compensation whatsoever, not more than 28.5 grams of marijuana not in the form of concentrated cannabis and not more than 8 grams of concentrated cannabis for personal medical and/or non-medical use.
- T. State law authorizes a person 21 years, or older, to possess, plant, cultivate, harvest, dry, or process not more than 6 (six) living marijuana plants and possess the marijuana produced by the plants.
- U. State law exempts from licensure the cultivation of a limited number of marijuana plants for both medical and non-medical personal use and authorizes local jurisdictions to reasonably regulate cultivation through local land use and zoning laws.

7.40.130 Scope

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

7.40.140 No Vested Rights

The provisions contained in this Chapter shall supersede any previous regulations related to marijuana cultivation. No person, firm, corporation or entity shall have any vested right to cultivate marijuana in any manner that is contrary to or inconsistent with the provisions contained herein.

7.40.150 Responsibilities

- A. Regardless of whether an owner is in actual possession of his or her real property, it is the duty of every owner of real property within the unincorporated area of Yuba County to prevent a public nuisance from arising on, or from existing upon, his or her real property.

- B. No person or entity shall cause, permit, maintain, conduct or otherwise allow a public nuisance as defined in this Chapter to exist upon any property within their control and shall not cause a public nuisance to exist upon any other property within the unincorporated limits of the County of Yuba. It shall be the duty of every owner, occupant, and person that controls any land or interest therein within the unincorporated area of the County of Yuba to remove, abate and prevent the reoccurrence of any public nuisance upon such land.

7.40.160 Private Right of Action

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

ARTICLE 2 DEFINITIONS

7.40.200 Definitions

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

- A. "Accessory Structure" means a legally built attached garage, or a separately permitted building located on the same parcel as the residence.
- B. "Code" means the Yuba County Ordinance Code.
- C. "Code Enforcement Officer" means any person employed by the County of Yuba and appointed to the position of code enforcement officer.
- D. "Costs of Enforcement" or "Enforcement Costs" means all costs, direct or indirect, actual or incurred related to the performance of various administrative acts required pursuant to the enforcement of this Chapter, which include but are not limited to: administrative overhead, salaries and expenses incurred by County Officers, site inspections, investigations, notices, telephone contacts and correspondence, conducting hearings, as well as time expended by County staff in calculating the above expenses. The costs also include the cost of time and expenses associated with bringing the matter to hearing, the costs associated with any appeals from any decision rendered by any hearing body, the costs of judicially abating a violation and all costs associated with removing, correcting or otherwise abating any violation including administrative penalties of this Chapter.
- E. "County" means the County of Yuba.
- F. "Cultivation" for the purpose of this Chapter, means the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof, for medical and non-medical personal use. "Defined Area of Cultivation" means a single, indoor, area wherein all portions of cultivation are within one accessory structure or residence, the structure or residence is lockable, and is completely screened from public view.
- G. "Dwelling" means a building intended for human habitation that has been legally established, permitted and certified as a single-family or multi-family dwelling.

- H. "Enforcement Official" means the Code Enforcement Officer or the Sheriff, or the authorized deputies or designees of either, each of whom is independently authorized to enforce this Chapter.
- I. "Fence" means a solid wall or a barrier connected by boards (redwood or cedar), masonry, rails, panels, or any other materials typically utilized for residential fences (subject to the approval of the Community Development and Services Agency) for the purpose of enclosing, securing, and screening space from public view. The term "Fence" does not include retaining walls.
- J. "Indoors" means within a fully enclosed structure, with a solid roof, and walls. The structure must be securable against unauthorized entry and constructed of solid materials such as 3/8" or thicker plywood, glass, or equivalent materials. Shade-cloth covered and plastic sheeting covered, regardless of gauge, or similar products do not satisfy this requirement.
- K. "Manufacture" or "Manufacturing" means compounding, converting, producing, deriving, processing, or preparing, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, marijuana products.
- L. "Marijuana" Shall have the same meaning as Section 11018 of the California Health and Safety Code. For the purposes of this Chapter, "Marijuana" shall include the terms: "Medical Marijuana", "Non-Medical Marijuana", "Recreational Marijuana" and/or "Cannabis" and shall be limited to personal use and not for commercial purposes.
- M. "Marijuana plant" means any mature or immature marijuana plant including the stalks of the plant.
- N. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.
- O. "Parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of the Government Code) and also means parcels that are described, recorded and kept in official County records specifically including documents and maps used by the County Assessor's Office, the County Tax Collector's Office and the County Recorder's Office.
- P. "Primary Caregiver" shall have the same meaning as "primary caregiver" as defined in the California Health and Safety Code, commencing with Sections 11362.5(e) and 11362.7(d), and as further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal.4th 274.
- Q. "Public View" shall mean as viewed at ground level, without the use of a ladder or similar device, from any place the general public has a lawful right to be including the public right of way, a public way or neighboring premises.
- R. "Qualified Patient" shall have the same meaning as "qualified patient" as defined in the California Health and Safety Code, Section 11362.7(f).
- S. "Residence" shall have the same meaning as Section 11362.2(b)(5) of the California Health and Safety Code. "Residence" shall be synonymous with "dwelling".
- T. "Sheriff" or "Sheriff's Office" means the Yuba County Sheriff's Office or the authorized representatives thereof.

ARTICLE 3 RESTRICTIONS AND REQUIREMENTS

7.40.300 Cultivation Restrictions

- A. Outdoor cultivation of marijuana on any Parcel is prohibited.
- B. Cultivation of more than six (6) marijuana plants within a single Residence or within a single Accessory Structure on any Parcel is prohibited. The foregoing limitation shall be imposed regardless of the number of individuals residing on the Parcel or participating directly or indirectly in the cultivation.
- C. Marijuana cultivation shall not adversely affect the environment or the public health, safety, or general welfare by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration, by the use or storage of plant or animal poisons, or hazardous materials, processes, products or wastes, or by any other way.
- D. No portion of any structure shall be altered unless a building permit has first been obtained, and under no circumstance shall any alteration or use of any equipment create a fire, life, safety hazard.

7.40.310 Cultivation Requirements

- A. Cultivation may only occur on a Parcel improved with an occupied, legally established, Residence in conformance with this Chapter. The cultivation shall be contained within the Defined Area of Cultivation within a residence or in one, single, residential accessory structure affixed to the real property that:
 - 1. Meets the definition of "Indoor;"
 - 2. That is located on the same Parcel as the Dwelling;
 - 3. That is lockable to prevent unauthorized access, and
 - 4. That complies with all of the provisions of the Yuba County Code relating to accessory structures including, but not limited to, the County's Development Code in Title XI, and construction codes in Title X of the Yuba County Ordinance Code. Where the provisions of this Chapter are more restrictive than other portions of the Yuba County Code the provisions of this Chapter shall govern.
- B. All persons and entities engaging in the cultivation of marijuana shall:
 - 1. Have a legal water source on the Parcel;
 - 2. Not engage in unlawful or unpermitted surface drawing of water for such cultivation; and
 - 3. Not permit illegal discharges of water from the parcel.

7.40.320 Structure Requirements

- A. Structures used for the cultivation of marijuana shall meet all of the following criteria:
 - 1. The residence or accessory structure, regardless of size, shall be legally constructed with all applicable development permits including, but not limited to, grading, structural, electrical, mechanical and plumbing approved by the applicable authorities prior to any cultivation activity. The conversion of any existing structure, or portion thereof, for cultivation shall be subject to these same permit requirements and must be inspected for compliance by the applicable authorities prior to any cultivation.
 - 2. An accessory structure shall not be built or placed within any mandatory setback

required by the Yuba County Ordinance Code.

3. The residence or accessory structure shall be equipped with permanently installed and permitted electricity, and shall not be served by temporary extension cords. Electrical wiring conductors shall be sized based on the currently adopted California Electrical Code with anticipated loads identified.
4. The residence or accessory structure shall be equipped with an odor control filtration and ventilation system adequate to prevent humidity, or mold problems within the structure, and odors from exiting the structure.
5. If an accessory structure is a greenhouse, the panels shall be of glass or polycarbonate and should be opaque for security and visual screening purposes. Where the greenhouse panels are not obscure, the greenhouse shall be screened from view by a solid fence as described in Section 7.40.330 below.

7.40.330 Fencing

- A. Accessory structures that are required to be surrounded by a solid fence shall have a fence that is at least six (6) feet but not greater than (8) feet in height with a locking gate and conform to the following:
 1. Fencing materials shall be in compliance with Section 7.40.200:K;
 2. Location of fence shall meet zoning setback and height requirements;
 3. Fences over seven (7) feet in height will require proof of an approved building permit; and
 4. The fence and gate must be adequately secure to prevent unauthorized entry and keep the area out of reach of minors.

Exception: Topography, natural vegetation, bushes or hedgerows alone may constitute an adequate fence for the purposes of this Section, but shall be subject to the approval of Yuba County Community Development and Services Agency (CDSA).

ARTICLE 4 PUBLIC NUISANCE

7.40.400 Conditions Creating Public Nuisance

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

- A. Any person owning, leasing, occupying or having charge or possession of any Parcel within the unincorporated area of the County to cause or allow such Parcel to be used for the cultivation of marijuana in violation of the provisions contained herein.
- B. The cultivation of marijuana on a Parcel that does not have an occupied legally established Dwelling in conformance with this Chapter.
- C. Marijuana plants in public view as defined in Section 7.40.200 of this Chapter.
- D. The cultivation of marijuana in a manner that exceeds six(6) plants.
- E. The improper use, storage and/or disposal (per the manufacturer's instructions and/or any law that governs same) of chemicals, fertilizers, gas products (CO₂, butane, etc.) or any other

products or equipment associated with the cultivation of marijuana.

- F. Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence.

ARTICLE 5 ENFORCEMENT

7.40.500 Enforcement Authority

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

7.40.510 Right of Entry/Inspection

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

7.40.520 Violations

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

7.40.530 Remedies

- A. Any violation of this Chapter may be deemed a public nuisance and is subject to any enforcement process authorized by law or as outlined in this Code.
- B. Nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the County of Yuba or any other governmental entity to enforce County ordinances, to abate any and all nuisances, or employ any remedy available at law or equity.
- C. Issuance of a warning shall not be a requirement prior to using any enforcement provision of this Code. Violations are not tiered and are subject to enforcement without warning.
- D. The remedies provided in this Chapter are cumulative to all other remedies now or hereinafter available to abate or otherwise regulate or prevent violations related to the cultivation of marijuana.

7.40.540 Notice and Order to Abate

- A. Upon making a determination that a public nuisance exists, the Enforcement Official shall notify the owner and/or the alleged violator that a public nuisance exists. As to an owner, the

Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner directs. As to an alleged violator whom the Enforcement Official has determined directly or indirectly contributed to the condition creating the nuisance, the Notice and Order to Abate shall be delivered by personal service or by Certified, Return Receipt mail, with postage prepaid, to the last known address of the alleged violator. In addition, the Notice and Order to Abate shall be delivered by first class mail, with postage prepaid, addressed to the owner and/or alleged violator at the same addresses. A copy shall also be posted on the property. The Enforcement Official shall complete a proof of service.

- B. The Notice and Order to Abate shall describe the use or condition which constitutes the public nuisance, and shall order that the uses or conditions constituting the nuisance be abated by demolition, securing, removal, cleanup, repair or other means within a reasonable time certain, normally being three (3) business days, as determined necessary for such abatement by the Enforcement Official. Based upon the nature and complexity of the abatement process, the Enforcement Official shall identify the date certain for compliance on the Notice and Order to Abate Public Nuisance.

7.40.550 Administrative Penalties

- A. Any person who violates this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, the violation is committed, permitted or continued. In addition to the actual abatement and/or administrative costs incurred by the County any person who has been issued a Notice and Order to Abate Public Nuisance shall be assessed an Administrative Penalty as follows:
 - 1. A penalty of \$100.00 for each violation of this Code per day as set forth in the Notice and Order to Abate.
 - 2. A penalty of \$200.00 for each violation of this Code per day when a second violation of this Code occurs within eighteen (18) months of a previously issued Notice and Order to Abate.
 - 3. A penalty of \$500.00 for each violation of this Code per day for each subsequent violation of this Code beyond the second when the violation occurs within thirty-six (36) months of the original Notice and Order to Abate.
- B. For the purpose of calculating the daily Administrative Penalty, each offense of any Section of this Chapter shall be charged as a separate violation; in addition, each marijuana plant in violation of this Chapter shall be charged as a separate violation.
- C. The Administrative Penalty, pursuant to this Section, shall begin to accrue upon the expiration of the time to remedy the violations as set forth in the Notice and Order to Abate Public Nuisance and shall continue to accrue until the date compliance with the Order has been met and verified by the Enforcing Officer. In the event an appeal has been properly filed with the County, the appeal shall have no effect on the Administrative Penalty and said Penalty shall continue to accrue during the pendency of the hearing. At the conclusion of the hearing the Yuba County Board of Supervisors is authorized to modify or waive the Administrative Penalty for cause and shall make express findings into the record for such modification or waiver.

7.40.560 Enforcement Costs

- A. All costs and penalties associated with the enforcement of this Chapter are the responsibility of the owner(s) of any parcel(s) on which a nuisance has been found to exist and such costs shall be paid within 30 days of the date of demand thereof.
- B. Where costs and penalties go unpaid beyond 30 days, the Enforcement Official shall take action to confirm the costs, record a lien and place a special tax assessment pursuant to procedures as set forth in Chapter 7.36 of the Yuba County Ordinance Code.

ARTICLE 6**APPEALS AND UNIFORM HEARINGS AND PROCEDURES****7.40.600 Appeal**

Any person who has received a Notice and Order to Abate Public Nuisance pursuant to this Chapter may request an appeal before the Yuba County Board of Supervisors within 10 calendar days of the date of the Notice and Order to Abate. The request for appeal shall be in writing and must be accompanied by a deposit for costs as enumerated in Title XIII of this Code.

7.40.605 Appeal Hearings

Abatement hearings and hearings to determine administrative penalties shall be heard by the Yuba County Board of Supervisors. The Board of Supervisors, in its discretion, may appoint a hearing officer or commissioner to hear and preside over such hearings.

7.40.610 Notice of Hearing

If the owner or alleged violator requests a hearing within ten (10) calendar days of the date of the Notice and Order to Abate, the Enforcement Official shall schedule a hearing and provide notice to the owner or alleged violator of the time and place the hearing will take place. Notice of the hearing shall be delivered by personal service or by Certified Return Receipt mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner or alleged violator provides. In addition, the Notice of Hearing shall be delivered by first class mail, with postage prepaid, addressed to the owner as such owner's name and address appears on the last equalized assessment roll or to such other address as the owner or alleged violator provides. The Enforcement Official shall complete a proof of service. The hearing shall be set for a date that is not less than five (5) and not more than thirty (30) days from the date that the request for hearing is filed with the Enforcement Official.

7.40.620 Powers of the Yuba County Board of Supervisors

The Yuba County Board of Supervisors shall have the power to conduct the hearing, the power to decide a matter upon which a hearing has been held, the power to make findings of fact and conclusions of law required for the decision, the power to issue subpoenas, the power to receive evidence, the power to administer oaths, the power to rule on questions of law and the

admissibility of evidence, the power to continue the hearing from time to time, and the power to prepare a record of the proceedings.

7.40.630 Fairness of Hearings

Hearings shall be conducted in a manner suitable to ensure fundamental fairness to all parties concerned, limited by the need to secure relevant information necessary to render a decision without unnecessary delay.

7.40.635 Evidentiary Rules

The hearing need not be conducted according to technical rules relating to evidence. Any evidence may be presented if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but may be rejected if deemed to be unreliable. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at a hearing. Unduly repetitious or irrelevant evidence shall be excluded at the discretion of the Yuba County Board of Supervisors.

7.40.640 Order of Proceeding at Hearing

The Yuba County Board of Supervisors shall ordinarily proceed in the following order when conducting hearings:

- A. The Enforcement Official's presentation shall proceed first. It should include identification of the file and property, a summary of the history and matters at issue, a staff analysis of the legal and factual issues involved, permitted uses to which the property was and is subject, and accounting of enforcement costs relating to the property, and a recommended decision.
- B. A presentation by or on behalf of the appellant shall next proceed.
- C. Tenants or other occupants of the subject property shall speak third.
- D. Individuals who are not appealing but own property immediately contiguous to the subject property shall speak fourth.
- E. Other interested parties shall speak fifth.
- F. The appellant shall be entitled to rebuttal.

7.40.645 Speakers' Presentation

Each speaker shall approach the microphone and give his or her full name and address for the record.

- A. Each speaker's presentation shall be to the point and shall be as brief as possible; visual and other materials may be used as appropriate, but, if used, shall become part of the public record and the property of the County. The Yuba County Board of Supervisors may establish a time limit for presentations; provided, however, that at least ten minutes shall be allowed for each speaker. Speakers shall, at the discretion of the Yuba County Board of Supervisors, be allowed to speak for longer than ten minutes if that speaker represents a group of individuals, the remainder of which chose not to speak. Speakers with lengthy presentations

are encouraged to submit them in writing. There shall be no limitation upon length of written statements.

- B. The Yuba County Board of Supervisors shall hear testimony and receive written and/or documentary evidence relating to the alleged violation. The parties may be represented by legal counsel. Testimony shall be taken on oath or affirmation. Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues presented; to impeach any witness; and to rebut evidence. Witnesses shall be subject to cross-examination by the Yuba County Board of Supervisors.
- C. Subject to the Yuba County Board of Supervisors' right to accept a motion to conclude the taking of all testimony or to close the public hearing when a reasonable opportunity to present all questions and points of view has been allowed, any person wishing to speak shall be heard. Except for rebuttal allowed, each speaker shall speak only once.
- D. The Yuba County Board of Supervisors shall preserve all photographs and other documentary evidence introduced at the time of the hearing. After all of the testimony is taken, the Yuba County Board of Supervisors shall close the public hearing unless he or she deems it necessary to continue the hearing for the receipt of additional evidence or an ordinance interpretation from the Affected Department.

7.40.650 Submission of Additional Written Evidence and Argument

At any time before or after the hearing up to the point the hearing is closed by the Yuba County Board of Supervisors, any interested party may submit written evidence or argument. In the event the Yuba County Board of Supervisors concludes the hearing and continues the decision to another time, the Yuba County Board of Supervisors may, in their discretion, set a deadline for submission of written argument. Except for the receipt of written argument, no ex parte communications, either direct or indirect, shall be received by the Yuba County Board of Supervisors during the period of a continuance or after the public hearing has been closed.

7.40.655 Field Trips

Whenever the Yuba County Board of Supervisors deems it necessary to take a field trip to view the site in question, the Yuba County Board of Supervisors may conduct a site visit. Unless the site visit is tape recorded, the Yuba County Board of Supervisors shall not talk to any members of the public during the conduct of such site visit. After the conduct of a site visit, the Yuba County Board of Supervisors shall place into the record the visual observations made and the conclusions drawn as a result of such visit.

7.40.660 Recording

All proceedings shall be recorded. If a verbatim transcript is desired, the person requesting the transcript shall have the responsibility for arranging for the appearance of a court reporter to transcribe the hearing. In the event that a court reporter is present at the request of an interested party, the party retaining the court reporter shall provide a copy of the reporter's written transcript to the Yuba County Board of Supervisors at no charge to the County.

7.40.670 Decision

The decision of the Yuba County Board of Supervisors is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16.

7.40.680 Severability

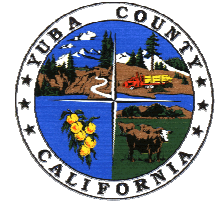
If any section, subsection, sentence, clause, or phrase of this Chapter, is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any or all other portions of this Chapter.

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

THIS PAGE INTENTIONALLY LEFT BLANK

The County of Yuba

Human Resources and Organizational Services



TO: Board of Supervisors

FROM: Human Resources and Organizational Services, Jill Abel
Probation Department, Jim Arnold

SUBJECT: Finance and Administration Committee: Adopt the attached resolutions amending the Classification System-Basic Salary/Hourly Schedule and the Department Allocation Schedule as it relates to the Probation Department, effective April 1, 2017. Human Resources and Probation Department, 5 minute estimate.

DATE: March 21, 2017

NUMBER: 68/2017

Recommendation

Adopt the attached resolutions amending the Classification System-Basic Salary/Hourly Schedule and the Department Allocation Schedule as it relates to the Probation Department, effective April 1, 2017.

Background/Discussion

Last fiscal year an outside consultant conducted a countywide workforce analysis in relation to the County's succession plan. Following the conclusion of the study, the Probation Department evaluated its current organizational structure, operational needs and strategic succession plan. Career paths and promotional opportunities abound throughout the Department with the exception of the Victim Services Division. It was determined there was a need to reconfigure the Victim Services Division to allow internal staff development and succession opportunities. As a result, the Probation Department requested Human Resources review its advocacy and administrative positions within the Victim Services Division. The purpose for the review was to determine if the organizational structure met the needs of the Department and whether the allocated classifications were appropriately classified and compensated.

Victim Witness Administration: The last review of the Division occurred in 2010, when organizational changes were made to the sole management classification. This management position was established to ensure compliance with federal and state mandates; supervise 12 professional, technical and clerical employees and several interns and volunteers; provide professional clinical

counseling and crisis mitigation as an MFT; program administration and development; and budgeting. With the majority of the Victim Services Division sustained through grant funding, the manager spends an exorbitant amount of time exploring grant possibilities, grant writing, and administering awarded grants. This function alone takes away considerably from the manager's other equally important tasks. For this reason, it is proposed that the Board allocate an Administrative Services Officer II, a second management position, to assist the Division Head with grant research, writing and administration; budget preparation; supervision of the advocacy and administration functions of the Division; and program development support.

Victim Witness Advocate class series: The Victim Witness Advocate class series has experienced a gradual progression in the level, complexity and nature of the duties assigned to them based on the growing and changing needs of the Department. This class series performs similar work to social workers, including conducting home visits, assisting with multi-disciplinary interviews of children victims of crimes and sexual assault evidentiary exams, responding to sexual assault response team calls; crisis intervention; managing caseloads; providing peer counseling; community outreach and education; and possessing vast knowledge of available resources, programs and/or services to victims of crimes.

The current Victim Witness Advocate I/II class specification requires considerable knowledge at entry, the base salary does not correspond to that knowledge base. Additionally, lower level County classifications that would likely progress into the victim witness advocate class series have higher salaries making it unlikely that someone would take a demotion. Further, the salary disparity is also evident by looking at the base salaries for similar classifications in the surrounding four counties. As a result, we have significantly limited our candidate pool. This has gone mostly unnoticed because there has not been a vacancy for an entry level victim witness advocate since 2001. The Department does anticipate a vacancy this fiscal year.

It is recommended the Victim Witness Advocate I/II position no longer be flexibly staffed but, be solely allocated at the journey level as a Victim Witness Advocate. Also, it is recommended that the base salary for the Victim Witness Advocate be adjusted to \$3,252/month, to correlate with the internal relationships and the labor market factors. Further, it is recommended that the Senior Victim Witness Advocate base salary be adjusted to \$3,659/month to maintain the 12% differential between the class series.

Fiscal Impact

There is no general fund impact for this fiscal year or into the future. This action will be sustained through the County Victim Services Grant.

Attachments

68/2017: Amend the County's Basic Salary Schedule

68/2017: Amend the Probation Department Allocation Schedule

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA

RESOLUTION AMENDING THE)
CLASSIFICATION SYSTEM –)
BASIC SALARY SCHEDULE)
_____)

RESOLUTION NO. _____

NOW, THEREFORE, BE IT RESOLVED that the Classification System – Basic Salary/Hourly Schedule shall be amended as follows effective **April 1, 2017**.

AS SET FORTH IN ATTACHMENT "A"

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the _____ day of _____, 2017 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.

CODE	CLASSIFICATION	BARG UNIT	MINIMUM MONTHLY SALARY (BASE)	PAY RATE			LONGEVITY					
				PRIOR TO 7/1/13		POST 7/1/13	PRIOR TO 7/1/13		POST 7/1/13			
			MINIMUM HOURLY RATE	MAXIMUM MONTHLY SALARY	MAXIMUM HOURLY RATE	MAXIMUM MONTHLY SALARY	MAXIMUM HOURLY RATE	MAXIMUM MONTHLY SALARY	MAXIMUM HOURLY RATE			
VWAD-1	VICTIM/WITNESS ADVOCATE I	3	2,644	15.25	3,216	18.55	3,438	19.83	4,204	24.25	3,570	20.60
VWAD-2	VICTIM/WITNESS ADVOCATE II	3	3,062	17.67	3,724	21.48	3,981	22.97	4,869	28.09	4,134	23.85
SWWA	SENIOR VICTIM/WITNESS ADVOCATE	3	3,449	19.90	4,194	24.20	4,484	25.87	5,484	31.64	4,657	26.87

ADD:

CODE	CLASSIFICATION	BARG UNIT	MINIMUM MONTHLY SALARY (BASE)	PAY RATE			LONGEVITY			68-2017 Cor	
				MINIMUM HOURLY RATE	MAXIMUM MONTHLY SALARY	MAXIMUM HOURLY RATE	PRIOR TO 7/1/13	POST 7/1/13	PRIOR TO 7/1/13		POST 7/1/13
VWAD	VICTIM/WITNESS ADVOCATE	3	3,252	18.76	3,955	22.82	4,228	24.39	5,171	29.83	4,391
SWWA	SENIOR VICTIM/WITNESS ADVOCATE	3	3,659	21.11	4,450	25.67	4,757	27.44	5,818	33.57	4,940

**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 April 1, 2017 as follows:

DELETE:

DEPARTMENT	CLASSIFICATION	# OF POSITION S
Probation	Victim/Witness Advocate I/II	1

ADD:

DEPARTMENT	CLASSIFICATION	# OF POSITION S
Probation	Administrative Services Officer II	1
Probation	Victim/Witness Advocate	1

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the _____ day of _____, 2017 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. [Signature]