JULY 28, 2015

8:30 A.M. YUBA COUNTY WATER AGENCY Agenda and background

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

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Abe

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher

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

A. Administrative Services

   1. (318-0715) Declare three Sheriff vehicles surplus property and authorize Purchasing Agent to dispose of item in accordance with Ordinance Code Section 2.50.060.

B. Clerk of the Board of Supervisors

   1. (319-0715) Approve minutes of July 14 and 15, 2015 meetings.

C. County Administrator

   1. (320-0715) Adopt resolution pertaining to tax revenue exchange between County of Yuba and Brophy Water District (Huckins Annexation - LAFCO 2015-003).

D. Health and Human Services

   1. (321-0715) Adopt resolution authorizing grant application for Maternal, Child and Adolescent Health funds and authorizing Chair to accept funds and execute all documents required by grant.

E. Probation

   1. (322-0715) Approve Memorandum of Understanding with Superior Court of California, County of Yuba, for risk assessments, to provide supervision of pretrial release population in Court's Pretrial Release program, and authorize Chair to execute.

IV. SPECIAL PRESENTATION

A. (323-0715) Receive update from Chamber of Commerce regarding tourism activities and funding. (No background material) (Ten minute estimate)

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

VI. COUNTY DEPARTMENTS

A. Community Development and Services

   1. (324-0715) Adopt resolution confirming report of delinquent solid waste collection charges and order of assessment on property tax roll related to Recology Yuba Sutter. (Ten minute estimate)

B. Human Resources

   1. (325-0715) Approve negotiated terms of agreement effective July 1, 2015 between County and Deputy District Attorney Association and authorize staff to bring back a comprehensive Memorandum of Understanding incorporating all terms. (Ten minute estimate)

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

A. (326-0715) Notice and agenda from California Regional Water Board meeting of July 31, 2015 which includes Recology Yuba-Sutter Class III Landfill and Composting facility.

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

IX. CLOSED SESSION

A. Personnel pursuant to Government Code §54957 - Department Head Evaluation/Agricultural Commissioner

B. Pending litigation pursuant to Government Code §54956.9(d)(2) - Two Cases

X. RECESS TO 1:30 P.M.

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

A. 1:30 P.M. (327-0715) Administrative Appeal Hearing - Hold appeal hearing to determine administrative penalty regarding APN 021-341-015 (Powar), 5603 South Gledhill No. D., West Linda. (Sixty minute estimate)

B. 1:30 P.M. (328-0715) Administrative Appeal Hearing - Hold appeal hearing to determine administrative penalty regarding APN 021-402-003 (Torres), 5519 Gledhill Avenue, West Linda. (Sixty minute estimate)

XII. ADJOURN

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

To: Board of Supervisors
CC: Robert Bendorf, County Administrator
From: Doug McCoy, Director, Administrative Services
Date: July 28, 2015
Re: Surplus Property Disposal – Sheriff Vehicles

Recommendation
It is recommended that the Board declare the attached lists as surplus property and authorize the Purchasing Agent to dispose of items in accordance with Yuba County Ordinance Code 2.50.060.

Background
Departments have declared the items on the attached list as surplus property. Pursuant to County ordinance, items with an original purchase price of $1,000 or more must have Board approval to be declared surplus property.

Discussion
The attached list is for Sheriff Vehicles that are no longer operable, missing substantial parts or no longer useful to the department.

Committee Action
Due to the routine nature of this action, it has been brought directly to your Board for consideration.

Fiscal Impact
There is no cost to the County. Proceeds will be deposited in to account 330-0000-371-9899 and appropriately distributed.
# Capital Asset Disposal Form

## County of Yuba

<table>
<thead>
<tr>
<th>Asset Number</th>
<th>Description</th>
<th>Serial Number</th>
<th>Asset Tag # (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15225</td>
<td>2007 Ford Expedition</td>
<td>1FMFU16517LA61661</td>
<td></td>
</tr>
<tr>
<td>14376</td>
<td>2006 Ford Crown Victoria</td>
<td>2FAHP71W86X107677</td>
<td></td>
</tr>
<tr>
<td>15116</td>
<td>Police Interceptor Ford</td>
<td>2FAFP71W97X123338</td>
<td></td>
</tr>
</tbody>
</table>

**Department:** Surplus  
**Location:** 9900-13  
**Date:** 7/28/2015

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**Authorized Individual (Print):** Doug McCoy  
**Authorized Signature:** 

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**Board Authorization**

**Date Authorized:**  
**Signature:**  
**Clerk of the Board**  
**Date:**

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Do not write in this area - Auditor use only

**Date Updated in System:**  
**Signature:**  

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Original: Auditor-Controller  
Copy: Department
The County of Yuba
BOARD OF SUPERVISORS

JULY 14, 2015 - MINUTES

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

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Vasquez

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, 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 approve
MOVED: John Nicoletti SECOND: Andy Vasquez
AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Randy Fletcher
NOES: None ABSENT: None ABSTAIN: None

A. Auditor-Controller

1. (279-15) Adopt resolution to determine the appropriations for Special Districts under the County. Adopted Resolution No. 2015-62, which is on file in Yuba County Resolution Book No. 46.

B. Board of Supervisors

1. (280-15) Reappoint Carlton Dinwiddie as an At-Large Representative to the Fish and Game Advisory Commission for a term to expire July 14, 2019. Approved.

C. Clerk of the Board of Supervisors


5. (301-15) Approve minutes from the meeting of June 16, 2015. Approved as written.

07/14/2015 - BOS

MINUTE BOOK NO. 72 PAGE 97
D. Community Development and Services

1. (285-15) Adopt resolution supporting Yuba County Water Agency intent to be the Groundwater Sustainability Agency for the North Yuba and South Yuba sub-basins. Adopted Resolution No. 2015-63, which is on file in Yuba County Resolution Book No. 46.

E. Health and Human Services

1. (286-15) Approve purchase agreement with California Statewide Automated Systems Consortium for document upload kiosk and authorize Chair to execute. Approved.

F. Probation

1. (287-15) Adopt resolution authorizing the Yuba County Probation Department to apply for and enter into agreements with the California Emergency Management Agency, Sierra Health Foundation, and First Five Yuba for grants relating to the delivery of victim and program services. Adopted Resolution No. 2015-64, which is on file in Yuba County Resolution Book No. 46.

G. Sheriff-Coroner

1. (288-15) Approve Memorandum of Understanding with Yuba County Office of Education for vocational educational programs for inmates at the Yuba County Jail for Fiscal Year 2015-2016, and authorize Chair to execute. Approved.

2. (289-15) Approve Memorandum of Understanding with Yuba County Superior Court for provision of electronic monitoring services for clients under supervision in the Court’s pretrial release program beginning April 1, 2015, and authorize Chair to execute. Approved.

3. (290-15) Approve Memorandum of Understanding with Sutter Yuba Mental Health for Forensic Mental Health Specialist services to jail inmates beginning July 1, 2015, and authorize Chair to execute. Approved.

IV. PUBLIC COMMUNICATIONS:

Chair Griego introduced incoming Public Health Officer Dr. Nicole Quick.

V. COUNTY DEPARTMENTS

A. Board of Supervisors

1. (291-15) Receive information regarding Memorandum of Understanding with Enterprise Rancheria payments to Yuba County and provide direction and/or take action as appropriate. (No background information) (Fifteen minute estimate) Chief Deputy County Counsel John Vacek recapped 2002 Memorandum of Understanding with Enterprise Rancheria and responded to specific inquires related to the following:
   - Initial payment
   - Submittal of plans to Planning or other local entities
   - Water and sewer system concerns
   - Contractual responsibilities

Following additional discussion and receiving Board consensus, County Administrator Robert Bendorf advised he would open a dialog with Enterprise Rancheria regarding their intentions for construction and report back to the Board at a future meeting.
B. County Administrator

1. (292-15) Receive information on changes to contract with lobbyists Shaw/Yoder/Antwihi, Inc. and Peterson Consulting, Inc. and provide direction as appropriate. (Ten minute estimate) County Administrator Robert Bendorff recapped the County’s history with both firms and responded to Board inquiries.

Following Board discussion, Board consensus was received to continue discussions and bring contract changes forward to a future meeting.

C. County Counsel

1. (293-15) Receive information on settlement regarding County of Yuba vs. Van-G-Trucking Inc. (No background information) (Ten minute estimate) Deputy Counsel John Whidden provided a brief recap of incident, resources expended, and costs incurred. Mr. Whidden further advised resolution of action and cost recovery of $20,731.91.

D. Yuba Sutter Economic Development Corporation


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

Adopted Resolution No. 2015-65, which is on file in Yuba County Resolution Book No. 46.

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


B. (296-15) Notices from State Fish and Game Commission relating to measures for fisheries due to drought conditions and market squid logbooks. Received.

C. (297-15) Notice from Three Rivers Levee Improvement Authority regarding proposed mitigated negative declaration for the Western Pacific Interceptor Canal 200-year Standard Project. Received.

VII. BOARD AND STAFF MEMBERS’ REPORTS:

Supervisor Fletcher: Memorial adjournment – Mr. Tony Vieira

Supervisor Abe:
° Wheatland Annual picnic held July 4, 2015
° Sierra Sacramento Valley Emergency Medical Services meeting

Supervisor Nicoletti:
° Attended Special Olympics torch run at Ellis Lake, July 13, 2015
Marysville Redevelopment Oversight Board meeting July 13, 2015
- Marysville Fire Department Transition from Cal Fire
- Memorial Adjournment – Mr. Charles “Chuck” Carver
- New Superintendent at Juvenile Hall
- Concerns on road width and lack of shoulder on North Beale Road
- Linda Lions Club meeting held July 4, 2015

Supervisor Griego: Naturalization ceremony held June 26, 2015

County Counsel Angil Morris-Jones: Naturalization ceremony held June 26, 2015

County Administrator Robert Bendorf:
- Agricultural Commissioner reappointment
- Tri County Juvenile Hall agreements and share of costs with Sutter and Colusa Counties

VIII. CLOSED SESSION The Board retired into closed session at 10:51 a.m. to discuss the following and returned at 1:24 p.m. with all present as indicated above.

A. Pending litigation pursuant to Government Code §54956.9(d)(1) - Powers, et al vs. County of Yuba. No Action
   Supervisor Vasquez left closed session at 11:19 a.m. and returned at 11:21 a.m.
   Supervisor Abe left closed session at 11:24 a.m. and returned at 11:27 a.m.

B. Pending litigation pursuant to Government Code §54956.9(e)(1) - Two Cases. Advisement provided.

C. Pending litigation pursuant to Government Code §54956.9(d)(4) - One Case. Advisement provided.

IX. ADJOURN: 1:25 p.m. in honor of Mr. Tony Vieira, and Mr. Charles “Chuck” Carver.

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

By: Rachel Ferris, Deputy Clerk

Chair
The County of Yuba
BOARD OF SUPERVISORS

JULY 15, 2015

The Honorable Board of Supervisors of the County of Yuba met on the above date, in special session, commencing at 3:30 p.m. within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger, Abe, and Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemyer. Chair Griego presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Nicoletti

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

III. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer.

A. (302-15) Administrative Appeal Hearing - Hold appeal hearing to determine administrative penalty regarding APN 020-510-001(Brikenen LLC) 5841 Garden Avenue, West Linda. (Sixty minute estimate) The Clerk administered the oath of testimony to those wishing to address the Board.

Chief Deputy Counsel John Vacek outlined the purpose of the hearing and order for proceeding.

Code Enforcement Jeremy Strang provided a PowerPoint presentation depicting photos of the property while recapping the cultivation of 98 plants, and recommendation for the Board to confirm the existence of a public nuisance, penalties and costs.

Property Owner Brian Menold recapped the timeline on discovery of grow in May, inability to have tenant remove plants, timelines for required eviction, and repercussion of penalties to be enforced. Mr. Menold responded inquiries from the Board and Mr. Strang regarding rental agreements, prior code enforcement cases, and eviction of tenants.

Mr. Vacek advised the grower has been cited for the cost.

Supervisor Vasquez moved to issue a one day administrative penalty for a cost of $13,715.95. Motion failed for lack of second.

Following further discussion, Supervisor Fletcher moved to allow $4,116 as the costs and penalties. Motion failed for lack of second.

Following further discussion, the Board retired into closed session to deliberate at 4:20 p.m. and returned at 4:36 with all present as indicated above.
MOTION: Move to establish the amount of $34,105.95 as a judgment; to suspend that amount and subtract $4,116 set for deposit for a period of 3 years; require owner to acquire bond for the amount of $30,000; an agreement to be entered into with staff; for owner to provide a copy of the new rental agreement attested to; and allow two weeks to accomplish the bond and agreement.
MOVED: John Nicoletti          SECOND: Randy Fletcher
AYES: John Nicoletti, Randy Fletcher, Andy Vasquez, Mary Jane Griego, Roger Abe
NOES: None  ABSENT: None  ABSTAIN: None

Motion approved by Roll Call Vote.

B. RECESS TO 6:00 P.M.: The Board recessed at 4:40 p.m. and reconvened at 6:08 p.m. with all members present as indicated above.

C. (239-15) Public Hearing - Hold public hearing to receive comments on Magnolia Ranch Specific Plan Draft Environmental Impact Report and direct staff to prepare responses to significant environmental issues.  (Continued from June 16, 2015)  (Sixty minute estimate)  Planner Ed Palmeri recapped the location of the specific plan within the employment village and provided a PowerPoint presentation regarding the following:
   ○ Project Summary
   ○ Environmental Review Process
   ○ Scope of analysis
   ○ Disclosure of potential environmental impacts
   ○ Receipt of 27 comment letters
   ○ 24 significant and unavoidable impacts
   ○ 25 Less-than significant impacts
   ○ 4 alternatives to proposed project
      ♦ No project (existing rice operations)
      ♦ Alternative site design (housing mix, increased population, increased jobs, increased commercial)
      ♦ Increased employment
      ♦ Lower density
   ○ Comment period ends July 15, 2015
   ○ Next Steps
      ♦ Review and respond to comments received
      ♦ Prepare final EIR

Chair Griego opened the public hearing.

The following individuals spoke:
   ○ Mr. Mark Mulliner
   ○ Mr. Monty Hecker
   ○ Mr. Greg Forest, representing the applicant
   ○ Ms. Frances Hofman
   ○ Ms. Robin Burrow
   ○ Ms. Claudia Street
   ○ Mr. Ed Ritchie

Chair Griego closed the public hearing.
MOTION: Move to extend the written comment period on the Draft EIR to Friday, July 17, 2015 at 5:00 p.m. and direct staff to prepare responses to significant environmental issues
MOVED: John Nicoletti      SECOND: Roger Abe
AYES: John Nicoletti, Roger Abe, Andy Vasquez, Mary Jane Griego, Randy Fletcher
NOES: None      ABSENT: None      ABSTAIN: None

Approved by roll call vote.

IV.  ADJOURN: 7:12 p.m.

________________________________________
Chair

ATTEST: DONNA STOTTMEMEYER
CLERK OF THE BOARD OF SUPERVISORS

________________________________________
Approved: _______________________________
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The County of Yuba

Office of the County Administrator

Robert Bendorf, County Administrator

TO: Yuba County Board of Supervisors
FROM: Robert Bendorf, County Administrator
RE: Brophy Water District – Annexation of Huckins Property
DATE: July 28, 2015

RECOMMENDATION

It is recommended that the Board of Supervisors adopt the attached zero tax exchange resolution for the Brophy Water District (BWD) annexation of APN 019-210-058.

BACKGROUND

As part of any annexation of property into a city, county or special district, agencies receiving property taxes with the annexation must agree on what changes, if any, will occur with distribution of the property taxes. In many cases involving special district annexations there is no property tax collected by either entity involved; however the Local Area Formation Commission (LAFCO) is required by law to be presented a negotiated tax share agreement or a zero tax exchange agreement.

DISCUSSION

Yuba County LAFCO has received BWD Resolution # 01/13/2015-02 initiating a LAFCO proceeding regarding an annexation of the Huckins property, consisting of approximately 129 acres into the BWD. The purpose, as stated by the resolution, is to allow the property to receive an irrigation water supply from the BWD.

The BWD does not receive a portion of property taxes; therefore the proposed annexation does not necessitate a change in the distribution as reflected in the attached resolution. BWD Vice President Al Lassaga was contacted by the County Administrator and it was confirmed to him there is no property tax exchange between any entities.

COMMITTEE

Due to the routine nature of the request, this item is being presented directly to the Board.

FISCAL IMPACT

None.
July 14, 2015

TO: YUBA COUNTY LAFCO
    YUBA COUNTY ADMINISTRATION, ROBERT BENDORF

FROM: C RICHARD EBERLE, AUDITOR-CONTROLLER

SUBJECT: LAFCO 2015-0003 HUCKINS – BROPHY WATER DISTRICT

Pursuant to Section 99 (b) Revenue & Taxation Code, our office is notifying you of the property tax revenue for the following property that is subject to a negotiated exchange.

There will be a zero property tax exchange as the territory to be annexed to the District is not covered by the county-wide tax rate.

CRE/kmd
Cc: CAO, R Bendorf
    LAFCO
RESOLUTION OF THE BOARD OF
SUPERVISORS PERTAINING TO TAX
REVENUE EXCHANGE BETWEEN
THE COUNTY OF YUBA AND THE
BROPHY WATER DISTRICT
(HUCKINS ANNEXATION – )
LAFCO 2015-003)

RESOLUTION NO. __________

WHEREAS, under the provisions of Proposition 13 adopted in 1978, the distribution of property
taxes within each county became the responsibility of the County Board of Supervisors; and

WHEREAS, Proposition 13 failed to make any provision for the redistribution of these taxes, as
a result of reorganization of cities and districts within the County; and

WHEREAS, Revenue and Taxation Code Section 99(b) designates the Yuba County Board of
Supervisors as the agency responsible for deciding what sort of property tax revenue exchanges should
occur in the case of special district annexations and detachments with the County; and

WHEREAS, Section 99 of the Revenue and Taxation Code requires, before the LAFCo
Executive Officer issues a certificate of filing for a proposed jurisdictional change, that an exchange of
property tax revenue be negotiated between the affected agencies; and

WHEREAS, a proposal has been filed with the LAFCo Executive Officer to annex property to
the Brophy Water District – LAFCo Project 2015-0003 Huckins Property Annexation (APN 019-210-
058); and

WHEREAS, negotiations have been held between the County of Yuba and the Brophy Water
District and there is no exchange of property taxes applicable with the annexation identified herein.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of
the County of Yuba, based on the foregoing findings, hereby declares:

1. Upon finalization of the LAFCo Project 2015-0003, Huckins Property Annexation,
property tax revenues generated from within the subject area shall be governed by this
resolution and shall be allocated as follows:
Base Property Tax:

The base property tax revenue currently allocated to the County General Fund and all local taxing agencies shall not be changed as a result of an annexation.

Future Incremental Property Tax:

The future incremental property tax allocated to the County General Fund and all local taxing entities shall not be changed as a result of this annexation.

2. This determination is made without prejudice to any future jurisdictional changes and does not establish a precedent for making future determinations pursuant to Section 99 of the revenue and taxation code.

3. The Clerk is directed to file a certified copy of this resolution to the Yuba Local Agency Formation Commission, the County Administrative Office, the Auditor of the County of Yuba, and the Brophy Water District.

4. Upon completion of the LAFCo proceedings, the Yuba County Auditor-Controller is hereby directed to distribute the property tax revenues for non-taxing agencies within an annexation area in accordance with this resolution.

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

AYES:

NOES:

ABSENT:

ABSTAIN: ____________________________

Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

_______________________________

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

_______________________________

Page 2 of 2
TO: Board of Supervisors  
Yuba County

FROM: Jennifer Vasquez, Director  
Health & Human Services Department

Dr. Nichole Quick, Health Officer  
Public Health Division

DATE: July 28, 2015

SUBJECT: Resolution of the Board of Supervisors Authorizing the Health and Human Services Department to apply for the Maternal, Child and Adolescent Health (MCAH) Grant and authorizing the Chair to accept funds and executed documents related to the program.

RECOMMENDATION: It is recommended that the Board of Supervisors approve the attached Resolution of the Board authorizing the Health and Human Services Department (HHSD) to apply for the California Department of Public Health (CDPH) Maternal Child and Adolescent Health (MCAH) Grant for the period of July 1, 2015 through June 30, 2016; and further authorize the Chair of the Board to accept funds and to execute documents as required by this application and any pertinent document related to this program.

BACKGROUND: Since 2007, Yuba County, through its Health and Human Services Department, has received MCAH program funds to develop policies and standards, and conduct activities aimed at improving the health and well-being of the women, children and families of Yuba County.

DISCUSSION: Yuba County’s allocation for the period of July 1, 2015, through June 30, 2016, is $105,062.00. The approval of this Board Resolution will authorize HHSD to apply for the funds and will authorize the Chair to execute the annual Agreement Funding Application (AFA)/Update form.

COMMITTEE: The Human Services Committee was bypassed due to the routine nature of this request.

FISCAL IMPACT: Approval of this Resolution will not impact County General Funds. The County portion for the MCAH Grant is funded by Public Health Realignment.
BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA

RESOLUTION AUTHORIZING THE
CHAIR TO ACCEPT MATERNAL,
CHILD AND ADOLESCENT HEALTH
(MCAH) GRANT FUNDS FOR THE
PERIOD OF JULY 1, 2015 THROUGH
JUNE 30, 2016, AND EXECUTE THE
GRANT AGREEMENT AND OTHER
PERTINENT DOCUMENTS

Resolution No. __________

WHEREAS, the State of California has made grant funds available for the purpose of improving the health and well-being of women, children, adolescents, and families; and

WHEREAS, it is in the best interest of its residents for the County of Yuba to apply for and utilize the grant funds for the improvement of the health and well-being of women, children, adolescents, and families, particularly those who are low income residents of the County of Yuba.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Yuba as follows: that the submission of an application to the California Department of Public Health for Maternal, Child and Adolescent Health (MCAH) grant funds is hereby authorized; and

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of Yuba, as follows: that the Chair of the Board is hereby authorized to accept One Hundred Five Thousand Sixty-Two Dollars ($105,062.00) for the period July 1, 2015, through June 30, 2016; to execute, upon review and approval of County Counsel, documents as required by the application and the resultant contract for the stated period; to allocate and transfer funds for the stated period; to amend contracts for additional or lesser funding, and to execute amendments or memorandums of understanding developed under this grant if the allocation, or a portion thereof, is
awarded. A copy of said contract or any amendment thereto shall be filed in the office of the Clerk of the Board, County of Yuba.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

__________________________
Chair

ATTEST: DONNA STOTTHEMEYER
Clerk of the Board of Supervisors

By: ________________________

APPROVED AS TO FORM

Angil P. Morris-Jones,
Yuba County Counsel
TO:          Board of Supervisors
FROM:       James L. Arnold  
Chief Probation Officer
SUBJECT:    Authorize the Chairman to execute Memorandum of Understanding between the County of Yuba and the Superior Court of California, County of Yuba for the Probation Department to perform risk assessments and provide supervision to pretrial release population in the Court’s Pretrial Release Program.

DATE:        July 28, 2015

Recommendation

Authorize the Board Chairman to sign a Memorandum of Understanding (MOU) between the County of Yuba (County) and the Superior Court of California, County of Yuba (Court) for the Probation Department to perform risk assessments and provide supervision to pretrial release population in the Court’s Pretrial Release Program beginning April 1, 2015.

Background

The Superior Court of California, County of Yuba, was awarded a grant in the Pretrial Release Program category of the Recidivism Reduction Fund Court Grant Program (RRF). Prior to the grant award, Yuba County did not have a pretrial release program. Since the implementation of AB 109, the county jail population has evolved and now includes many inmates who previously would have served their sentences in the state prison system and who are serving considerably longer sentences than was previously the norm for county jails. As a result, the jail population has slowly, but steadily, increased. The County’s AB 109 implementation plan included a provision for a pretrial release program and the RRF program was released at an opportune time.

Discussion

The Superior Court administers the grant; however the Probation Department performs all but a small fraction of the work implementing the grant. The scope of the MOU between the Court and the Probation Department is for probation to provide two deputy probation officers, working fulltime within the Pretrial Release Unit. These officers screen all recently arrested inmates who meet the eligibility criteria for pretrial release. Risk assessment reports are completed and
presented daily by the officers in court. These officers also directly supervise all inmates released under the Pretrial Release Program. The maximum amount the court may reimburse the Probation Department over the period of April 1, 2015 to April 30, 2017, is $290,901, which is broken down into the following categories: Personnel: $278,519; Travel (attending conferences/trainings): $4,621; Equipment (computers & tablets): $4,116; Incentives: $1,725; Drug testing: $1,200; Automated call services: $720.

Committee Action:

This request is submitted directly to the Board of Supervisors, as it was included in the County’s AB 109 Implementation Plan that was approved by your Board on September 27, 2011.

Fiscal Impact:

Administration of the Pretrial Release Program should be cost neutral and have no impact on the General Fund. The Pretrial Release Program should result in an overall saving in jail bed day cost avoidance by reducing the jail population.

Attachment
Memorandum of Understanding
Between
The Yuba County Probation Department
And
Superior Court of California,
County of Yuba
Regarding Recidivism Reduction Fund Court Grant Program

This Memorandum of Understanding ("MOU") is entered into by and between the Yuba County Probation Department ("Probation") and the Superior Court of California, County of Yuba ("Court"). This MOU sets forth each party's roles and responsibilities as they relate to the Recidivism Reduction Fund Court Grant Program, for the grant period April 1, 2015 through April 30, 2017.

WHEREAS, Court is to receive funding from the Judicial Council of California ("Judicial Council") for the Recidivism Reduction Fund Court Grant Program ("Program") under the terms and conditions of Agreement No. 1030044 between Court and the Judicial Council (the "Contract");

WHEREAS, Court desires to subcontract with Probation, subject to the authorization of the County of Yuba, for Probation to provide certain services necessary to complete the Program objectives as set forth in the Contract;

WHEREAS, the Judicial Council has consented to Court's subcontracting with Probation for certain services necessary to complete the Program objectives as set forth in the Contract;

WHEREAS, it is the intent of the parties that such services be in conformity with the Contract and all applicable federal, state and local laws; and

NOW, THEREFORE, Court and Probation mutually agree as follows:

1. **Definitions:** If not otherwise defined in this MOU, the definitions of capitalized terms used in this MOU are as set forth in the Contract.

2. **Scope of Services:** Consistent with the terms and conditions of the Contract and this MOU, Probation shall provide the following in furtherance of the Program objectives:
   - Two full-time Probation employee (FTE) Pretrial Service Specialists;
   - Review bookings of all individuals booked into Yuba County jail;
   - Risk Assessment tools for use in determining an offender's pretrial risk;
- Pretrial risk assessment and recommendation report to Court;
- Supervision of individuals released on supervised release;
- Pretrial Program services including drug and alcohol testing and an electronic reminder system; administration and distribution of incentives and bus passes/fores;
- Data collection and reporting for statistical outcome measures;
- Participation of Probation in meetings as required by Court to meet Contract requirements for the Program.

Probation warrants to Court that funds provided to Probation under this MOU will only be used for new or expanded services and that no ongoing or completed projects of Probation will duplicate or overlap any Work under the Contract consistent with the requirements in Exhibit B, Sections 12 and 13 of the Contract.

3. **Term:** This MOU is effective April 1, 2015 through April 30, 2017, subject to the election of the Judicial Council to exercise its options to extend the Contract term beyond fiscal year 2014–2015 as provided in Exhibit B, Section 3 of the Contract. Either party may terminate this MOU earlier by providing written notice of intent to terminate to the other party at least thirty (30) days before the intended termination date. In addition and upon notice to Probation, Court may terminate this MOU, in whole or in part, without prejudice to any right or remedy of Court, if expected or actual funding is withdrawn, reduced, or limited in any way. Court may also terminate this MOU for deficient performance of Probation consistent with the requirements of Exhibit B, Section 7 of the Contract.

4. **Reporting:** Probation agrees to provide (and to coordinate with the Yuba County Sheriff’s Department to provide) data relevant to the Deliverables in a timely manner but no less than 10 days prior to the Due Date as outlined in Court’s Contract with the Judicial Council for the Program. The Judicial Council’s Quarterly Program Evaluation, Data and Data Collection Report is attached as Attachment A to this MOU for information purposes only. Data collection requirements are subject to change by the Judicial Council or the Court Program Manager from time to time. Court commits to communicating any such changes to Probation in a timely manner.

5. **Compensation for Services:**

The maximum amount Court may pay Probation under this MOU is $290,800 for the period **April 1, 2015 through April 30, 2017**, subject to the provisions of this Section 5. This maximum amount includes all fees and expenses.

Program Start-up Costs, Fiscal Year 2014–2015 (April 1 to June 30, 2015): Probation shall timely provide detail necessary for Court to complete a Program Start-up Cost Report to the Judicial Council that documents the funding needed to initiate Program planning/implementation or enhancement. This Program Start-up Cost Report must
detail the funds needed for Probation’s personnel and travel costs until June 30, 2015, as outlined in Court’s Budget Detail and Narrative/Justification. The report will cover how the funding will be utilized, and include an itemized budget. The budget, as agreed upon in the Contract between Court and the Judicial Council, is attached as Attachment B to this MOU.

Fiscal Year 2015–2016 and Fiscal Year 2016–2017: Requests for reimbursement, with proper financial documentation, should be submitted to Court monthly in arrears by no later than the 20th of the following month. Probation’s final invoice must be received by Court no later than May 1, 2017. Invoices received by Court after May 1, 2017, will not be accepted.

Probation shall submit all invoices to Court in arrears monthly with documentation acceptable to Court to support actual costs billed. Such documentation to be provided to Court monthly includes:

a. Documentation of salaries and fringe benefits paid by Probation to two FTE Pretrial Service Specialists;
b. Copies of vendor invoices detailing services and for costs associated with risk assessment tools, drug and alcohol testing, electronic monitoring, continuous alcohol monitoring devices, electronic reminder system;
c. Adequate backup documentation as deemed necessary by Court to substantiate expenses claimed; and
d. Such additional information as Court may require from Probation to comply with the terms of the Contract.

Subject to compliance with the requirements of the Contract that are applicable to Probation’s role as a Subcontractor and this MOU, Court shall reimburse Probation for actual costs incurred following (i) Court’s receipt of Grant funds from the Judicial Council and (ii) submission to and acceptance by the Judicial Council of required reports identified in the Contract and Attachment C – Deliverables of this MOU.

If Probation receives payment from Court for a service or reimbursement that is later disallowed, Probation shall promptly refund the disallowed amount upon request. Court may offset the amount disallowed from any payment due or to become due to Probation under this MOU or any other agreement with Probation or the County of Yuba.


a. Entire Agreement. This MOU, including those portions of the Contract applicable to Probation’s services as a Subcontractor of Court, constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all previous modifications, agreements, proposals, negotiations,
representations, and commitments, both oral and written, between the parties to this MOU.

b. **Amendment.** No addition to or alteration of the terms of this MOU will be valid unless made in the form of a written amendment, which is formally approved and executed by the governing bodies of each of the parties, or their respective authorized designees.

c. **Further Assurances.** Each party agrees to cooperate with the other, and to execute and deliver, or cause to be executed and delivered, all such other instruments and documents, and to take all such other actions as may be reasonably requested of it from time to time, in order to effectuate the provisions and purposes of this MOU. Time is of the essence in the performance of this MOU.

d. **Waiver.** Any waiver by either party of the terms of this MOU must be in writing and executed by an authorized representative of the waiving party and will not be construed as a waiver of any succeeding breach of the same or other term of this MOU.

e. **Severability.** The provisions of this MOU are separate and severable. If any provision of this MOU shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not be affected or impaired thereby. Any such provision will be enforced to the maximum extent possible so as to effect the reasonable intent of the parties and will be reformed without further action by the parties to the extent necessary to make such provision valid and enforceable.

f. **Relationship of Parties.** Probation and the employees and agents of Probation in the performance of this MOU shall act in an independent capacity and not as officers, employees or agents of Court or the Judicial Council. Neither Probation nor any person engaged by Probation to perform the services described herein is covered by any employee benefit plans provided to the employees of Court. Each party is liable for the acts and omissions of itself, its employees and its agents. Nothing in this MOU will be construed as creating an employment or agency relationship between the parties. Each party will determine the method, details, and means of performing its obligations under this MOU, including, without limitation, exercising full control over the employment, direction, compensation and discharge of all persons assisting the respective party. Probation will be solely responsible for all matters relating to the payment of its employees, including compliance with social security, withholding any and all employee benefits, and all regulations governing such matters.
g. **Risk Allocation.** It is the intention of both parties that neither will be responsible for the negligent and/or intentional acts and/or omissions of the other, or its judges, subordinate judicial officers, directors, officers, agents and employees. The parties therefore disclaim in its entirety the pro rata risk allocation that could otherwise apply to this MOU pursuant to Government Code section 895.6. Instead, pursuant to Government Code section 895.4, the parties agree to use principles of comparative fault when apportioning any and all losses that may arise out of the performance of this MOU.

h. **Counterparts.** This MOU may be executed in counterparts, each of which is considered an original but all of which together shall constitute one instrument.

i. **Notices.** Any notices required to be given pursuant to the terms and provisions of the MOU shall be in writing and shall be delivered to:

- **County:**
  - Yuba County Probation Department
  - 215 5th St Ste 154
  - Marysville, CA 95901
  - Attn: Jim Arnold, Chief Probation Officer

- **Court:**
  - Superior Court of California,
  - County of Yuba
  - 215 Fifth Street, Suite 200
  - Marysville, California 95901
  - Attn: Court Executive Officer

j. **Retention of Records; Audit.** Probation shall maintain all financial data, supporting documents, and all other records related to performance and billing under this MOU for a period in accordance with state and federal law, a minimum retention period being no less than four (4) years. The retention period starts from the date of submission of Probation’s final payment request. Probation shall permit all records related to performance and billing under the MOU to be inspected and/or audited, at any reasonable time, by an authorized representative of Court or the Judicial Council. This MOU is subject to examination and audit by the State Auditor for a period of three (3) years after final payment.

k. **Limitation on Publication.** Probation shall not publish or broadcast any article, press release, advertisement, or other writing that references the Judicial Council unless previously approved in writing by the Judicial Council.
1. **Interpretation.** The provisions and terms of this MOU shall be interpreted in accordance with the plain meaning thereof, and shall not be construed in favor of or against any party.

m. **Third Party Beneficiary.** The Judicial Council is a third party beneficiary of this MOU.

**IN WITNESS WHEREOF,** Court and Probation executed this MOU #________ on the date or dates indicated below:

**Superior Court of California,**
**County of Yuba**

By: [Signature]
Presiding Judge of the Superior Court of California, County of Yuba

By: [Signature]
Steve Konishi
Court Executive Officer

Date: 6/3/2015

**Yuba County Probation Department**

By: [Signature]

Date: 7-6-15

The County of Yuba has authorized Probation to enter into this Memorandum of Understanding.

---**COUNTY OF YUBA**---

**APPROVED AS TO FORM**

ANGIL P. MORRIS-JONES
COUNTY COUNSEL

Date: ______________

By: ____________________
Chairman
Board of Supervisors

Page 6 of 31
ATTEST:

__________________________, Clerk
of the Board of Supervisors

By: _______________________
    Deputy Clerk

Date: ______________________
### Project Activities Scheduled for the Next Reporting Period:

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<th>Project Area</th>
<th>Activities</th>
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### Significant Challenges or Problems that Developed and How They Were or Will Be Addressed

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<th>Area</th>
<th>Challenges/Problems</th>
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### Program Achievements, Project Management Team Meetings, Changes to Key Staff, etc.

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<th>Area</th>
<th>Achievements</th>
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### Quarterly Program Evaluation, Data and Data Collection Report

#### ATTACHMENT A

<table>
<thead>
<tr>
<th>Contract No.</th>
<th>Date Report</th>
<th>No. of Deliverables</th>
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END OF ATTACHMENT

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<tr>
<th>Quarter</th>
<th>Projected to Spend</th>
<th>Next Quarter</th>
<th>Balance</th>
<th>Encumbered Amount</th>
<th>Total Amount</th>
<th>Item</th>
<th>Budget Item</th>
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</thead>
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QUARTERLY REPORT ON ENCUMBERED PROGRAM FUNDS
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<thead>
<tr>
<th>Name/Position</th>
<th>Benfis Total</th>
<th>Cost</th>
<th>Percent of Salary</th>
<th>Life Insurance</th>
<th>Disability Insurance</th>
<th>Dental Insurance</th>
<th>Medical Insurance</th>
<th>Other Health (Please specify)</th>
<th>Retirement</th>
<th>Social Security</th>
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**Attachment B**

Court Personnel Salaries & Fringe Benefits

Program Start-Up Budget Year 1 (April 1 to June 30, 2015)

Cost Proposal and Narrative/Justification

Revised: Revised Court Grant Program (from Court's Budget Details and Narrative/Justification in Contract)

Cost Reimbursement
### Operating Expenses

**A. Supplies Total**

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<thead>
<tr>
<th>Item</th>
<th>Cost</th>
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**B. Equipment Total**

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<tr>
<th>Item</th>
<th>Cost</th>
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**C. Travel Total**

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<tr>
<th>Item</th>
<th>Cost</th>
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**D. Total**

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<th>Item</th>
<th>Cost</th>
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</table>
**Program Start-Up Costs Year One**

### H. Indirect Costs

<table>
<thead>
<tr>
<th>Description</th>
<th>Computation</th>
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</table>

### C. Consultants/Contracts (includes local justice system partners staff costs)

<table>
<thead>
<tr>
<th>Consultant/Contractor Services Provided</th>
<th>2 Private Services Specialists</th>
<th>3 Lines 3 Months 4.75 per day</th>
<th>25 Years $60,000 per Year</th>
<th>60 Days $30 per Month</th>
<th>$34,442.00</th>
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</thead>
<tbody>
<tr>
<td>$34,442.00</td>
<td>$30 per Month Times 3 Months</td>
<td>$30 per Month Times 3 Months</td>
<td>$30 per Month Times 3 Months</td>
<td>$30 per Month Times 3 Months</td>
<td>$30 per Month Times 3 Months</td>
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<td>$285.00</td>
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<td>$1,500.00</td>
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<td>$900.00</td>
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<td>Total (including remuneration)</td>
<td>$350,000</td>
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*Refer to RFP Section 6.4.1*
The County of Yuba will provide the supplies needed by staff to perform their duties as Pretzel Services Specialists.

Supplies

- Two computer terminals are needed to help perform Pretzel services tasks and gather information while in the courtroom.

Equipment

- Two computers and associated software are needed for the Pretzel Services Specialists to investigate and commit criminal history information.

The following are the requirements for the Pretzel Assessing Program:

- A budget shows or reveals insufficient funding through the venue for this event has not been chosen. There are few if any

start and management.

- The budget shows insufficiency of funds for training of students, Pretzel Services staff, and education.

- The mission of the California Association of Pretzel Services is:

  1. The mission of the California Association of Pretzel Services is to provide professional and technical services to the field of Pretzel Services and the community.
  2. The association maintains a cooperative and collaborative relationship with the Pretzel Management Team (PMT) who have budget for annual conferences.
  3. The association is located at 322-0715 Appro.... - 18 of 33

- Personal & fringe benefits are:

  - Travel

- None Required
Other Operating Costs
We have included a nominal budget for incentives such as McDonalds Bucks for program clients to intice them to check into the day reporting center and to appear in court. We also have requested funding for bus passes/fares to assist clients in reporting to the day reporting center and for court appearances. Office space, furniture and other office supplies will be provided by the County of Yuba.

Consultants/Contracts
The bulk of the funding request is for personnel to staff the pretrial release program. We have requested funding for two Pretrial Services Specialist that will be provided by the Yuba County Sheriff's Department on contract/MOU. The Pretrial Services Specialists will review the bookings of all persons booked into the Yuba County jail and screen them for initial eligibility. The vast majority of persons booked will be eligible to be interviewed by one of the Pretrial Services Specialists and that information will be verified through a Criminal History check, both locally and through CIL/FBI. That information will be entered into the risk assessment tool and a recommendation developed. The Pretrial Specialists will appear in court and be prepared to provide testimony on the release recommendation. Pretrial Services Specialist will also be responsible for data collection and reporting for statistical and outcome measures. They will also also be responsible for some supervision duties over those on supervised release and helping to ensure court attendance by arranging/making reminder calls and other related duties. These will be full-time positions and will be employed during the three months of the First Year. The Yuba County Jail books approximately 5000 persons each year. Some of the 5000 arrestees are immediately released on their own recognizance (OR) or receive an OR after a sobering period. However, if you consider only those who posted bail (cash or bond) and those who were released time served having remained in custody until their criminal case was resolved, approximately 1200 arrestees would be contacted by the Pretrial Services Specialists each year. In the publication Pretrial Services Program Implementation: A Starter Kit, the recommended staff size for a pretrial services program doing 324 annual interviews is one staff member, while a pretrial release program doing 1,498 annual interviews is 4 staff members. Based on this information, our proposal for two staff seems lean, conservative and cost effective. The pay for the Pretrial Services Specialists was based on a survey of surrounding counties. The pay was set in the bottom 5% of the range of similar classifications in surrounding agencies.

We will also contract (through the Sheriff's Office) for electronic monitoring service for those on supervised release that have electronic monitoring as a condition of release. The proposed company is already under contract by the Sheriff's Office and Probation Department and is considered a reliable company offering competitive rates.

We also intend to contract (through the Sheriff's Office) for drug and alcohol testing in order to test those who have drug/alcohol testing as a condition of their release. The company proposed already provides services to the Probation Department and are considered reliable and cost-effective.

Finally, we intend to contract (through the Sheriff's Office) for an automated call service to remind clients of their court appearance at a pre-determined time prior to their scheduled court date. A reminder call to clients in pretrial release programs is an evidence based method in reducing failures to appear. Appointment reminder software can be very expensive, however, a web based services is a very cost effective manner of scheduling automated telephone, email and/or text notifications to clients and continues to contact until the client makes and affirmative action (eg.; pressing "1" when prompted)

REVISED 3-18-15: The two Pretrial Services Specialists will be provided by the Yuba County Probation Dept, not the Sheriff's Dept.

The drug/alcohol testing and the automated call service will be provided through the Yuba County Probation Dept., not the Sheriff's Dept.

Indirect Costs
None requested.

Summary
During the first three months, staff will be hired and trained, equipment will be purchased and contracts completed. The pretrial release program will be implement early in this period. The grant activities rely heavily on the staff which is the focus and major component of our request.
## Recidivism Reduction Fund Court Grant Program
### Cost Proposal and Narrative/Justification

**Year 2 (July 1, 2015 to June 30, 2016)**

### COURT PERSONNEL SALARIES & FRINGE BENEFITS

#### A. Court Personnel Salaries

<table>
<thead>
<tr>
<th>Name/Position</th>
<th>Computation (Salary per month X number of months needed X percentage FTE)</th>
<th>Cost</th>
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<td>Personnel Total</td>
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#### B. Fringe Benefits (list the benefit percent below)

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<th>Name/Position</th>
<th>Medical %</th>
<th>Dental %</th>
<th>Retirement %</th>
<th>Life Insurance %</th>
<th>Social Sec/Medicare %</th>
<th>Other (please describe) %</th>
<th>Total Benefit Rate %</th>
<th>Cost</th>
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Personnel & Fringe Benefits Total $0
## Operating Expenses

### C. Travel
(Include location, number of travelers, hotel, meals, transportation, etc. Include costs for travel to Judicial Council as per RFP Section 3.2)

<table>
<thead>
<tr>
<th>Purpose of Travel</th>
<th>Item</th>
<th>Computation</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>California Association of Pretrial Services Conference</td>
<td>Tuition</td>
<td>Conference tuition cost of $135 times 2 attendees = 270 - Airline tickets R/T to S. Cal $200 times 2 people - $400 - ground trans $50 - 3 nights hotel at $150 per night times 2 attendees $900 - 3 dinners, 2 breakfasts 2 lunch times 2 people $240</td>
<td>$1,860.00</td>
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| Travel Total                             |           |                                                                            | $1,860.00|

### D. Equipment (non-expendable)

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| Equipment Total                     |           | $0   |

### E. Supplies (items such as office supplies, training materials)

<table>
<thead>
<tr>
<th>Item</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
<tr>
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</tr>
</tbody>
</table>

| Supplies Total                      |           | $0   |

### F. Other Costs (items such as incentives, non-contracted costs)

<table>
<thead>
<tr>
<th>Description</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incentives</td>
<td>various incentives to entice clients to report and to attend court <strong>REVISED 3-18-15:</strong> Fast Food Gift Certificates (McDonalds, Burger King, Taco Bell) = 500 x $1.00 each = $500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>Bus Passes/Fares</td>
<td>transportation costs to ensure those without transportation can make attend appointments and court appearances <strong>REVISED 3-18-15:</strong> Yuba-Sutter Transit= 400 x $1.00 each = $400.00</td>
<td>$400.00</td>
</tr>
</tbody>
</table>

| Other Costs Total                     |           | $900.00 |
### G. Consultants/Contractors (includes local justice system partners staff costs)

<table>
<thead>
<tr>
<th>Consultant/Contractors</th>
<th>Services Provided</th>
<th>Cost Breakdown of Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yuba County Sheriff</td>
<td>2 Pretrial Services Specialists</td>
<td>Salary and benefits of $5772 per month each times 2 positions times 9 months [$103,896] and $5833 per month times 2 positions for the remaining 3 months of the year [$34,998]</td>
<td>$138,893</td>
</tr>
<tr>
<td>STOP/LLC</td>
<td>Electronic monitoring service</td>
<td>300 days times 4.75 per day</td>
<td>$1,425.00</td>
</tr>
<tr>
<td>Redwood Toxicology</td>
<td>Drug/alcohol testing</td>
<td>100 tests times $6.00 per test</td>
<td>$800.00</td>
</tr>
<tr>
<td>Appointment Reminder</td>
<td>Automated appointment reminder</td>
<td>$30 per month times 12 months</td>
<td>$360.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Consultants Total</td>
<td>$141,678</td>
</tr>
</tbody>
</table>

### H. Indirect Costs
(refer to RFP Section 6.4.1)

<table>
<thead>
<tr>
<th>Description</th>
<th>Computation</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
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<td>$</td>
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<tr>
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</tr>
</tbody>
</table>

Indirect Costs Total $0

Year Two Total $144,038.00
Personnel & Fringe Benefits
None requested.

Travel
We have budgeted for funds to allow attendance at the annual California Association of Pretrial Services (CAPS) Conference. The California Association of Pretrial Services is a statewide organization of professionals working in the field of pretrial services. The association grew out of a series of informal meetings of pretrial practitioners in 1972. The current membership includes pretrial managers, line staff, criminal justice consultants, and researchers.

The mission of the California Association of Pretrial Services is to:
- Promote professional competence and responsibility in the field of pretrial services;
- Promote the exchange of ideas, communication, and discussion of issues;
- Sponsor educational and training programs for professionals in the field and the public;
- Encourage the continuation, expansion, and establishment of pretrial services in the State of California; and
- Promote research, improvements, and development of standards for the field of pretrial services.

We have budgeted two people to attend the annual CAPS conference which is a proven resource for education and networking among pretrial services staff and management. The budget allows for travel to Southern California though the venue for this event has not yet been chosen. There are few if any alternatives for the training and networking provided by this conference.

Equipment
None requested

Supplies
The County of Yuba will provide the supplies needed by staff to perform their duties as Pretrial Services Specialists.

Other Operating Costs
We have included a nominal budget for incentives such as McDonalds Bucks for program clients to entice them to check into the day reporting center and to appear in court. We also have requested funding for bus passes/fares to assist clients in reporting to the day reporting center and for court appearances. Office space, furniture and other office supplies will be provided by the County of Yuba.

Consultants/Contracts
The bulk of the funding request is for personnel to staff the pretrial release program. We have requested funding for two Pretrial Services Specialists that will be provided by the Yuba County Sheriff’s Department on contract/MOU. The Pretrial Services Specialists will review the bookings of all persons booked into the Yuba County jail and screen them for initial eligibility. The vast majority of persons booked will be eligible to be interviewed by one of the Pretrial Services Specialists and that information will be verified through a Criminal History check, both locally and through CII/FBI. That information will be entered into the risk assessment tool and a recommendation developed. The Pretrial Specialists will appear in court and be prepared to provide testimony on the release recommendation. Pretrial Services Specialist will also be responsible for data collection and reporting for statistical and outcome measures.
They will also be responsible for some supervision duties over those on supervised release and helping to ensure court attendance by arranging/making reminder calls and other related duties. These will be full-time positions and will be employed during the entire 12 month period of Year Two. The Yuba County Jail books approximately 5000 persons each year. Some of the 5000 arrestees are immediately released on their own recognizance (OR) or receive an OR after a sobering period. However, if you consider only those who posted bail (cash or bond) and those who were released time served having remained in custody until their criminal case was resolved, approximately 1200 arrestees would be contacted by the Pretrial Services Specialists each year. In the publication Pretrial Services Program Implementation: A Starter Kit, the recommended staff size for a pretrial services program doing 324 annual interviews is one staff member, while a pretrial release program doing 1,498 annual interviews is 4 staff members. Based on this information, our proposal for two staff seems lean, conservative and cost effective. The pay for the Pretrial Services Specialists was based on a survey of surrounding counties. The pay was set in the bottom 5% of the range of similar classifications in surrounding agencies.

We will also contract (through the Sheriff's Office) for electronic monitoring service for those on supervised release that have electronic monitoring as a condition of release. The proposed company is already under contract by the Sheriff’s Office and Probation Department and is considered a reliable company offering competitive rates.

We also intend to contract (through the Sheriff’s Office) for drug and alcohol testing in order to test those who have drug/alcohol testing as a condition of their release. The company proposed already provides services to the Probation Department and are considered reliable and cost-effective.

Finally, we intend to contract (through the Sheriff's Office) for an automated call service to remind clients of their court appearance at a pre-determined time prior to their scheduled court date. A reminder call to clients in pretrial release programs is an evidence based method in reducing failures to appear. Appointment reminder software can be very expensive, however, a web-based service is a very cost effective manner of scheduling automated telephone, email and/or text notifications to clients and continues to contact until the client makes and affirmative action (eg.; pressing "1" when prompted)

**REVISED 3-18-15:** The two Pretrial Services Specialists will be provided by the Yuba County Probation Dept, not the Sheriff’s Dept. The drug/alcohol testing and the automated call service will be provided through the Yuba County Probation Dept., not the Sheriff’s Dept.

**Indirect Costs**
None requested

**Summary**
Year Two the pretrial release program will be in full swing and is heavily dependant on the Pretrial Services Specialists as well as other contracts to assist the pretrial release program staff and assist the clients in succeeding.
Recidivism Reduction Fund Court Grant Program  
Cost Proposal and Narrative/ Justification  

Year 3 (July 1, 2016 to April 30, 2017)  

COURT PERSONNEL SALARIES & FRINGE BENEFITS

A. Court Personnel Salaries

<table>
<thead>
<tr>
<th>Name/Position</th>
<th>Computation (Salary per month X number of months needed X percentage FTE)</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
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<td>8.</td>
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<tr>
<td>Personnel Total</td>
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B. Fringe Benefits (list the benefit percent below)

<table>
<thead>
<tr>
<th>Name/Position</th>
<th>Medical %</th>
<th>Dental %</th>
<th>Retirement %</th>
<th>Life Insurance %</th>
<th>Social Sec/ Medicare %</th>
<th>Other (please describe) %</th>
<th>Total benefit Rate %</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
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<tr>
<td>Benefits Total</td>
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<td>$0</td>
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</table>

Personnel & Fringe Benefits Total | $0
### Operating Expenses

**C. Travel** (Include location, number of travelers, hotel, meals, transportation, etc. Please include costs for travel to Judicial Council as per Section 3.2)

<table>
<thead>
<tr>
<th>Purpose of Travel</th>
<th>Item</th>
<th>Computation</th>
<th>Cost</th>
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<tbody>
<tr>
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<tr>
<td>Travel Total</td>
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</table>

**D. Equipment** (non-expendable)

<table>
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<th>Item</th>
<th>Computation</th>
<th>Cost</th>
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<tbody>
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<tr>
<td>Equipment Total</td>
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<td>$0</td>
</tr>
</tbody>
</table>

**E. Supplies** (items such as office supplies, training materials)

<table>
<thead>
<tr>
<th>Item</th>
<th>Computation</th>
<th>Cost</th>
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<tbody>
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<tr>
<td>Supplies Total</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

**F. Other Costs** (items such as incentives, non-contracted costs)

<table>
<thead>
<tr>
<th>Description</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incentives</td>
<td>various incentives to entice clients to report and to attend court REVISED 3-18-15: Fast Food Gift Certificates (McDonalds, Burger King, Taco Bell) = 375 x $1.00 each = $375.00</td>
<td>$375.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus passes/fares</td>
<td>transportation costs to ensure those without transportation can make attend appointments and court appearance REVISED 3-18-15: Yuba-Sutter Transi= 250 x $1.00 each = $250.00</td>
<td>$250.00</td>
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</tr>
<tr>
<td>Other Costs Total</td>
<td></td>
<td>$625.00</td>
</tr>
</tbody>
</table>

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Page 26 of 31
### G. Consultants/Contractors (includes local justice system partners staff costs)

<table>
<thead>
<tr>
<th>Consultant/Contractors</th>
<th>Services Provided</th>
<th>Cost Breakdown of Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yuba County Sheriff's</td>
<td>2 Pretrial Service Specialists</td>
<td>Salary and benefits of $5833 per month each times two positions for 9 months</td>
<td>$104,994</td>
</tr>
<tr>
<td>Office Revised 3-18-15:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yuba County Probation</td>
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<td></td>
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<tr>
<td>Dept.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STOP/LLC</td>
<td>Electronic monitoring services</td>
<td>225 days times 4.75 per day</td>
<td>$1068.75</td>
</tr>
<tr>
<td>Redwood Toxicology</td>
<td>Drug/alcohol testing</td>
<td>75 tests times $6.00 per test</td>
<td>$450.00</td>
</tr>
<tr>
<td>Appointment Reminder</td>
<td>Automated appointment reminder</td>
<td>$30 per month times 9 months</td>
<td>$270.00</td>
</tr>
</tbody>
</table>

Consultants Total $106,782.75

### INDIRECT COSTS

(refer to RFP Section 6.4.1)

#### H. Indirect Costs

<table>
<thead>
<tr>
<th>Description</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

Indirect Costs Total $0

Year Three Total $107,782.75
Personnel & Fringe Benefits
None requested

Travel
None requested

Equipment
None requested

Supplies
None requested

Other Operating Costs
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Consultants/Contracts
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We will also contract (through the Sheriff's Office) for electronic monitoring service for those on supervised release that have electronic monitoring as a condition of release. The proposed company is already under contract by the Sheriff's Office and Probation Department and is considered a reliable company offering competitive rates.
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**REVISED 3-18-15:** The two Pretrial Services Specialists will be provided by the Yuba County Probation Dept, not the Sheriff's Dept.

The drug/alcohol testing and the automated call service will be provided through the Yuba County Probation Dept., not the Sheriff's Dept.

**Indirect Costs**
None requested.

**Summary**
In the final year (10 months) of the grant period, we will be making plans to transfer the cost of the pretrial release program to the Yuba County General Fund. One of the intended outcomes of this program is to reduce the number of pretrial detainees in the Yuba County Jail. Reducing the number of inmates in custody will reduce the costs associated with the jail operation and the saving could be redirected to the pretrial release program effort.
## ATTACHMENT C

### Deliverables

#### Deliverable—Year-1/Initial Term

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Period of Performance</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y1-1</td>
<td>1. <em>Program Start-Up Costs Report</em>&lt;br&gt;As set forth in the Contract at Exhibit E, Attachment 1, Budget Detail and Narrative/Justification, Year 1:&lt;br&gt;FY 2014–2015 (April 1, 2015–June 30, 2015), including the following details:&lt;br&gt;1) Total amount of funds needed by the Court until June 30, 2015;&lt;br&gt;2) How the funding will be utilized; and&lt;br&gt;3) Itemized budget; and Narrative/Justification.</td>
<td>Year-1/Initial Term</td>
<td>April 30, 2015</td>
</tr>
</tbody>
</table>

#### Deliverable—Year-2/First Option Term

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Period of Performance</th>
<th>Due Date</th>
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</thead>
<tbody>
<tr>
<td>No.</td>
<td>Description</td>
<td>Period of Performance</td>
<td>Due Date</td>
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</tr>
<tr>
<td>Y2-Q4</td>
<td>Quarterly Grant Administration &amp; Tracking Report</td>
<td>April 1, 2016 – June 30, 2016</td>
<td>July 31, 2016</td>
</tr>
<tr>
<td>Y2-Q4</td>
<td>Quarterly Program Evaluation, Data and Data Collection Report</td>
<td></td>
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</tbody>
</table>

**Deliverable—Year-3/Second Option Term**

<table>
<thead>
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<th>No.</th>
<th>Description</th>
<th>Period of Performance</th>
<th>Due Date</th>
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<tbody>
<tr>
<td>Y3-Q1</td>
<td>Quarterly Grant Administration &amp; Tracking Report</td>
<td>July 1, 2016 – September 30, 2016</td>
<td>October 31, 2016</td>
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<tr>
<td>Y3-Q1</td>
<td>Quarterly Program Evaluation, Data and Data Collection Report</td>
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</tr>
<tr>
<td>Y3-Q2</td>
<td>Quarterly Grant Administration &amp; Tracking Report</td>
<td>October 1, 2016 – December 31, 2016</td>
<td>January 31, 2017</td>
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<tr>
<td>Y3-Q2</td>
<td>Quarterly Program Evaluation, Data and Data Collection Report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Y3-Q3</td>
<td>Quarterly Grant Administration &amp; Tracking Report</td>
<td>January 1, 2017 – March 31, 2017</td>
<td>April 30, 2017</td>
</tr>
<tr>
<td>Y3-Q3</td>
<td>Quarterly Program Evaluation, Data and Data Collection Report</td>
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</tr>
<tr>
<td>Y3-Q4</td>
<td>Final Quarterly Grant Administration &amp; Tracking Report</td>
<td>April 1, 2017 – April 30, 2017</td>
<td>May 31, 2017</td>
</tr>
<tr>
<td>Y3-Q4</td>
<td>Final Quarterly Program Evaluation, Data and Data Collection Report</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TO:           Board of Supervisors

FROM:        Tejinder Maan, Environmental Health Director

SUBJECT:     Adopt a Resolution confirming the report of delinquent charges and order of assessment

DATE:        July 8, 2015

Recommendation:   Adopt a resolution confirming the report of delinquent charges and order of assessment to be placed on the property tax roll.

Background:     The owner of any improved property within the mandatory pickup area is required to subscribe to and pay for refuse collection service to be rendered by Yuba Sutter Recology per County Ordinance 7.05.

Discussion:     Yuba Sutter Recology submitted a report of delinquent accounts as required by Ordinance to the Yuba County Director of CDSA for all of the unpaid bills for the service rendered by them. Per Yuba County Ordinance 7.05, a hearing was held on June 29, 2015, which provided the county residents an opportunity to have their name removed from the report. After the conclusion of the hearing process, the final report of delinquent charges and order of assessment was created. A resolution from the Board is needed to place this report on the property tax roll.

Fiscal Impact:  There will be no additional cost to the county and no impact to the general fund.

TSM:meh
AGENDA

Hearing is located at
Yuba County Government Center
Board Chambers, 915 Eighth Street
Marysville, California

June 29, 2015

2:00 P.M.  Hold Public Hearing of the Report of Delinquent Accounts For Refuse Collection by Recology Yuba Sutter and any appeals, protests or objections thereto [Yuba County Ordinance §7.05.220(c)] by the Director of Community Development and Services Agency.
Hearing Re Unpaid Recology Bills per Ordinance 7.05
Minutes
June 29, 2015

Those in attendance were Angel Morris-Jones, Kevin Mallen, Tejinder Maan,, Chris Thornburg and Michael Leggins of Recology, Ms. Albertson, Benjamin Perisen, Frank Grisso, William Leach, Tracie Reed, and Bernard Nahlen.

Hearing assistance devices were provided to those in need. Request to speak slips were filled out by those wishing to speak.

The hearing was called to order by Kevin Mallen. Mr. Mallen first read a list of properties that were included on the list but were not in the mandatory service area. He explained that those properties would be taken off the list.

Citizens speaking:

1701 5th Avenue, Ms. Albertson
She provided a receipt to show that she had paid the bill.

1539 2nd Avenue, Mr. Grisso
He had a question about who is responsible to pay the bill when the account is in the name of the tenant. It was explained that the owner is responsible for the bill. He said he would make a payment arrangement with Recology.

1791 11th Avenue, William Leach
He said that the owner (his mother) had passed away and his sister had falsified a will and had rented out the property. She had not paid the taxes so Mr. Leach paid the taxes. Mr. Leach related that he is having to start probate and get the property straightened out so he didn’t think he should have to pay the bill of an illegal tenant who had to be evicted. Ms. Morris-Jones explained that it would be dealt with by the probate court if it was on the taxes. Mr. Maan explained that that is how the ordinance was approved by the BoS.

5889 Cohn Avenue, Tracie Reed
Ms. Reed explained that she has paid $200 in the past week on behalf of the owner. She will call the office and make payment arrangements.

5593 Arboga Road, Bernard Nahlen
Mr. Nahlen had to evict the tenant and has had to make $10,000 of repair work and said tenant owes him $2000. He said that she receives service at another address and that she should be billed for the past due service she
owes. Chris Thornburg said that the prior tenant has been billed for the past due amount and that she hasn’t paid it. Mr. Nahlen said that making him pay the tenant’s bill is assignment of debt and that it is unconstitutional. He asked for a copy of the ordinance and was directed to the Board of Supervisors office to get one.

5528 Arboga Road, Bernard Nahlen He said add to the taxes it’s okay with me.

1255 & 1259 A Pasado Road, Nahlen He said he lives in one of the two houses on the property, the other house is a rental. He also said that there are not 9 carts as 3 of them were picked up a year ago. He said he thought that a debris box might be cheaper for him than 2 accounts for 3 carts each. Chris Thornburg told him that a debris box would not be cheaper than the 2 residential accounts.

As no others appeared to speak the hearing was adjourned by Mr. Mallen at 2:40 p.m.
BOARD OF SUPERVISORS
COUNTY OF YUBA
STATE OF CALIFORNIA

RESOLUTION NO: 2015-

IN RE:

A RESOLUTION CONFIRMING REPORT )
OF DELINQUENT SOLID WASTE )
COLLECTION CHARGES AND ORDER )
OF ASSESSMENT )

WHEREAS, the owners of improved property within the Mandatory Pickup Areas, which are described in Chapter 7.05 of the Yuba County Ordinance Code, are required to subscribe for and pay for refuse collection services, and

WHEREAS, certain subscribers have failed to pay for such refuse collection on a timely basis, thereby accruing delinquent charges; and

WHEREAS, Recology Yuba Sutter, has submitted to the County a report of delinquent charges referring to each separate parcel of real estate and the amount of charges proposed to be assessed; and

WHEREAS, the notice of the hearing was given in accordance with §7.05.230 of the Yuba County Ordinance Code, and

WHEREAS, a hearing was conducted wherein objections and protests from property owners liable to be assessed for the delinquent charges was heard.
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby confirms the special assessments against the respective parcels of land as set forth in Attachment A, attached hereto by this reference, and directs that charges imposed upon such respective parcels of land by placing them on the fiscal year 2015/2016 property tax roll. Each such assessment shall be increased by the amount of Twenty-Five Dollars for the County’s administrative expenses. This will be effective for any remaining unpaid bills as of August 1, 2015.

BE IT FURTHER RESOLVED that the assessment shall be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for those taxes.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California, on the 28th day of July, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MARY JANE GRIEGO, CHAIR

ATTEST: Donna Stottlemeyer
Clerk of the Board of Supervisors

Approved as to form:

Angi Morris-Jones, County Counsel
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**Note:** Times are approximate and may vary.
TO: Board of Supervisors

FROM: Robert Bendorf, County Administrator
       Jill Abel, Human Resources Director

RE: Consideration of Labor Agreement between the County of Yuba and the Deputy District Attorney Association

DATE: July 28, 2015

RECOMMENDATION

It is recommended that the Board of Supervisors approve the negotiated terms of the agreement effective July 1, 2015, between the County and the Deputy District Attorney Association and authorize staff to bring back a comprehensive MOU incorporating all terms at a future date.

BACKGROUND

The Memorandum of Understanding (MOU) between the County and the Deputy District Attorney Association (DDAA) terminated on September 30, 2014. Last year, the Board of Supervisors authorized staff to engage in discussions with the DDAA representatives in order to negotiate a successor agreement.

The County and the DDAA met several times to discuss the successor MOU, beginning in July of 2014. Following lengthy discussions, impasse was declared on October 31, 2014. The County and the DDAA participated in mediation in November of 2014, however an agreement wasn’t successfully reached. The County and the DDAA presented information to a fact-finder on April 7, 2015. Prior to the issuance of a final report by the fact finder, the County and the DDAA were able to reach a tentative agreement on the terms of a comprehensive MOU. The terms of this agreement are summarized below. The comprehensive MOU, once completed, will be brought to your Board for signature.

DISCUSSION

Similar to the discussions last year for the new labor agreement with the Yuba County Employees Association (YCEA), a primary focus was to present the fiscal challenges the County has faced over the last seven fiscal years and the lingering impacts. The discussions focused on containing cost of business increases and overall fiscal health of the County. Three primary issues were addressed: 1) the ongoing increasing salary
costs of longevity, 2) the impact of rising pension costs for the County, costs of health insurance premiums.

The major provisions of the agreement are outlined below and a comprehensive MOU will be developed by both parties and presented to your Board upon completion. The following is a summary of what will be included in the comprehensive MOU:

- **Term of Contract:** 2 Years, July 1 2015 – June 30, 2017

- **Health Insurance Cost sharing:** The County currently pays 80% of the monthly health insurance base-plan premium for DDAA members who have one or more dependents or 100% for single coverage. Effective July 1, 2015, the County will pay 70% of the monthly health insurance base-plan premium for DDAA members who have one or more dependents or 90% for single coverage.

- **CalPERS Retirement Contribution sharing:** Beginning with the 2016/2017 Fiscal Year, DDAA members will share the increased employer pension cost by increasing the employee contribution by 1%.

- **Cost of Living & Equity Adjustments:** Beginning with the 2016/2017 Fiscal Year and effective on July 1, 2016, DDAA members will receive a 2% Cost of Living Adjustment.

Effective January 1, 2017, all DDAA classifications will receive a 2% Equity Adjustment.

- The County and the DDAA were successful in negotiating other contract provisions that will be included in the comprehensive MOU. These include:
  - Seniority definition will now take into consideration time an employee did not receive compensation for any period of time while on unpaid disciplinary suspension.
  - Vacation Maximum Accrual will accumulate to a maximum of 350 hours.
  - Voluntary Time Off and Voluntary Work Furlough provisions will be maintained.
  - Disciplinary guidelines are amended to include Reduction in Pay and Unpaid Administrative Leave as options in the disciplinary process.
  - Grievance Procedures are amended to clarify timeliness in the process.
  - Right of Appeal procedures regarding the selection of a hearing officer are amended to create more flexibility in the process.
  - The provision allowing the annual conversion of vacation to deferred compensation will not be available for the term of this contract and until successor negotiations are completed.
  - The computation of an employee’s probationary period based on position date is clarified.
  - Language regarding the Affordable Care Act (ACA) will be added outlining our agreement to meet and confer on benefit plans in force if coverage, contributions, eligibility or other provisions are impacted by the ACA.

**FISCAL IMPACT**

The fiscal impact for the 2 year term of this agreement is estimated at a savings to the County of $1,314.
AGENDA
Public Meeting
Central Valley Regional
Water Quality Control Board

WEBCAST OF BOARD MEETING
Live video broadcast of this meeting will be available at: http://www.calepa.ca.gov/Broadcast

The Central Valley Board strives to conduct accessible, orderly, and fair meetings. The Board abides by the following rules when conducting its meetings:

- No person is required to register their name or provide other information to the Board in order to attend a Board meeting. Completing an attendance card is voluntary, unless you wish to testify before the Board.
- Anyone speaking to the Board will be requested to complete an attendance card.
- Anyone testifying in permit and enforcement actions will be required to complete an attendance card and affirm that any testimony that they provide is the truth by taking an oath.
- Items on this Agenda are numbered for identification purposes only; the Board may consider these items out of their listed order.
- Any item scheduled for the first day of a multi-day Board meeting may be delayed or continued to the next day, and items may also be moved from the second day to the first day. The Board may remove items from this Agenda without prior notice.
- If the Board lacks a quorum, the Board may conduct a hearing as a Panel Hearing. However, the Board will not take final action on such an item until a quorum of the Board is present.

Copies of the items to be considered by the Central Valley Water Board are posted on the Board’s website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

Board agendas and the minutes of prior meetings are posted on the Board’s website at:
http://www.waterboards.ca.gov/centralvalley/board_info/meetings/

Questions regarding individual items should be directed to the Board staff person whose name and phone number are indicated with the agenda item. If no staff person is listed, or for general questions, please contact Ms. Kiran Lanfranchi-Rizzardi at: (916) 464-4839 or klanfranchi@waterboards.ca.gov

The Board meeting will be conducted at a facility that is accessible to people with disabilities. Individuals requiring special accommodations are asked to contact Ms. Lanfranchi-Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

A list of applications for Water Quality Certifications, which the Board issues pursuant to Section 401 of the Clean Water Act, can be found at: http://www.waterboards.ca.gov/centralvalley/public_notices/ or can be obtained by calling the Board at: (916) 464-3291.
ELECTRONIC PRESENTATIONS

PowerPoint and other electronic presentations are frequently presented at the Board Meetings. Please e-mail presentations to the Board’s Webmaster at webmaster5@waterboards.ca.gov at least 24 hours in advance, or bring your files either on a USB Flash Drive or CD-ROM and give them to Board Staff prior to the start of the meeting.

THURSDAY, JULY 30, 2015 – 9:00 A.M.

1. Introductions, Pledge of Allegiance, and approval of minutes of the April 16/17 Board meeting and June 4/5, 2015 Board meeting

2. Meeting Rules and Procedures

3. Board Member Communications – Board Members and the State Board Liaison Member may discuss meetings, communications, correspondence, or other items of general interest relating to matters within the Board’s jurisdiction. There will be no voting or formal action taken

4. State Water Board Liaison Update – Informational Item Only [Andrew Altevogt (916) 464-4839]

5. Public Forum – Any member of the public may address the Board on any matter within the Board’s jurisdiction and not scheduled for consideration at this meeting, or pending before the Board

6. Executive Officer’s Report (http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/)

OTHER BUSINESS

7. Update on Sustainable Conservation Activities – Information Item [Sue McConnell (916) 464-4798]

8. NPDES Program Update – Informational Item Only [Nichole Morgan (916) 464-4848]

9. Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin to Establish a Region-wide Process for Evaluating the Municipal and Domestic Supply (MUN) Beneficial Use in Agriculturally Dominated Surface Water Bodies – Informational Item only [Anne Littlejohn (916) 464-4840]

ENFORCEMENT

10. Valley Water Management Company, Race Track Hill Facility and Fee 34 Facility, Edison, Kern County – Consideration of a Cease and Desist Order [Ron Holcomb (559) 445-6050]
FRIDAY, JULY 31, 2015 – 9:00 A.M.

11. Introductions, Pledge of Allegiance.


13. Board Member Communications – Board Members and the State Board Liaison Member may discuss meetings, communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. There will be no voting or formal action taken.

14. Public Forum – Any member of the public may address the Board on any matter within the Board's jurisdiction and not scheduled for consideration at this meeting, or pending before the Board (3 minute time limit per subject)

15. Executive Officer’s Report (http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/)

16. The Board will be asked to approve items 24 through 28 with no discussion if no one is here to testify about them.

WASTE DISCHARGE REQUIREMENTS

17. Waste Discharge Requirements for San Luis and Delta-Mendota Water Authority and United States Department of the Interior Bureau of Reclamation, Surface Water Discharges from the Grassland Bypass Project – Consideration of New Waste Discharge Requirements [Jelena Hartman (916) 464-4628]

18. Waste Discharge Requirements for Growers within the Grassland Drainage Area – Consideration of New Waste Discharge Requirements [Jelena Hartman (916) 464-4628]

OTHER BUSINESS


ENFORCEMENT

20. Breitburn Operating L.P, Dow Chanslor Lease, South Belridge Oil Field, Kern County – Consideration of an Administrative Civil Liability Order [Ron Holcomb (559) 445-6050]

NPDES PERMITS

21. Sacramento Regional County Sanitation District, Sacramento Regional Wastewater Treatment Plant, Sacramento County – Consideration of NPDES Permit Amendment (NPDES Permit: CA0077682) [Xuan Luo (916) 464-4606]

NPDES STORMWATER PERMIT

22. Tracy Unified School District, San Joaquin County – Consideration of a Resolution Approving the Request to Remove from NPDES General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (NPDES Permit CAS000004) [Chris Day (916) 464-4686]

OTHER BUSINESS

23. Irrigated Lands Regulatory Program – Informational Item only [Sue McConnell (916) 464-4798]
UNCONTESTED CALENDAR
(Cal. Code Regs., tit. 23, § 647.2, subd. (f).)

Uncontested items are those items that are not being contested at the Board Meeting and will be acted on without discussion. If any person or Board Member requests discussion, the item may be removed from the Uncontested Calendar and taken up in the regular agenda in an order determined by the Board Chair.

NPDES ENFORCEMENT
24. South Feather Water and Power Agency, Miners Ranch Water Treatment Plant, Butte County – Consideration of Proposed Amendment to Time Schedule Order R5-2010-0060

NPDES PERMITS
25. The Boeing Company, Groundwater Extraction and Treatment Systems, GET HB and Southern Groundwater Study Area GET and Admin GET, Sacramento County – Consideration of Amendment to Existing Permit

26. WASTE DISCHARGE REQUIREMENTS
   a. Eagle Bird Mining Company and U.S. Forest Service, Eagle Bird Mine, Sierra County – (New)
   b. Giumarra Vineyards Corporation and Giumarra and Associates Beverage Company, LLC, (Revised)
   c. Edison Grape Processing Facility, Kern County – (Revised)
   d. Growers within the Western San Joaquin River Watershed – (Revised)
   e. Pacific Gas and Electric Company, Kerckhoff Dam Low Level Outlet Gate Replacement Project, Madera County – (New)
   f. Panoche Valley Solar, LLC, Panoche Valley Solar Project, San Benito County – (New)
   g. Recology Yuba-Sutter and Feather River Organics, Recology Yuba-Sutter Class III Landfill and Composting Facility – Yuba County, (WDRs Order R5-2003-0083) – (Revised)
   h. Sunshine Raisin Corporation DBA National Raisin Company, Exeter Dehydrating Facility and Ernest Bedrosian Trust, Tulare County – (Revised)
   i. Woodland-Davis Clean Water Agency, Davis Woodland Regional Water Treatment Facility, Yolo County – (New)

27. WASTE DISCHARGE REQUIREMENTS-RESCISSIONS
   a. AAF-McQuay, Inc. et al., Groundwater Remediation System, Tulare County, Order R5-2010-0075
   b. Aerojet-General Corporation, Propellant Burn Area and GET F Sprayfield Groundwater Remediation Project, Inactive Rancho Cordova Test Site, Sacramento County, Order R5-2010-0069
   c. Baker Stony Creek Plant, Glenn County, Consideration of Recission of Waste Discharge Requirements, Order 98-082
   d. City of Tracy, Class II Land Treatment Facility, San Joaquin County, Order 94-216
   e. Gerald Marino, Pope Creek Rock Quarry & Plant, Napa County, Order 98-072
   f. Grizzly Lake Community Services District, Crocker Mt. Estates, Plumas County, Order 86-206
   g. Lassen County Water Works District No. 1, Bieber Sewage Treatment Facility, Lassen County, Order 93-071
   h. Plantation Mobile Home Park, Butte County, Order 92-008
   i. Port of Stockton’s West Complex, Docks 14 and 15, San Joaquin County, Order R5-2006-0078
   j. R.J. Miles Co., Grass Valley Ready Mix, Nevada County, Order 87-150

28. CHANGE OF NAME AND OR/OWNERSHIP
   a. Christian Outreach Ministries, Honey Rock STP Ponds, Butte County, Waste Discharge Requirements Order 89-049

4
CLOSED SESSION

The Board may meet in closed session to consider personnel matters (Gov. Code, § 11126 subd. (a), to deliberate on a decision to be reached based upon evidence introduced in a hearing (Gov. Code §, 11126, subd. (c)(3)), or to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation (Gov. Code, § 11126, subd. (e)). Current litigation involving the Board:

Litigation filed against the Central Valley Water Board and/or the State Water Board:


c. Administrative Civil Liability Order Issued for Mandatory Minimum Penalties to Malaga County Water District v. Central Valley Water Board et al. (Fresno County Sup. Ct. Case No. 14-CECG-03576)


e. Dixon Park Cleanup and Abatement Order Issued in 2005 – ConAgra Foods and Monfort, Inc. v. Central Valley Water Board (Solano County Sup. Ct., Case No. FGS027420)

f. Irrigated Lands Coalition Waiver and Program EIR Issued in 2011 – San Joaquin County Resource Conservation District California Farm Bureau Federation et al. v. Central Valley Water Board, California Sportfishing Protection Alliance et al. v. Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2012-80001186) (Consolidated Case No. RG 12632180)

g. Malaga County Water District NPDES Permit and Cease and Desist Order Issued in 2014 – Malaga County Water District v. Central Valley Water Board et al. (Fresno County Sup. Ct., Case No. 14-CECG-03919)

h. Manteca NPDES Permit Issued in 2009 – City of Manteca v. Central Valley Water Board et al. (Sacramento County Sup. Ct., Case No. 34-2011-80000831)

i. Sacramento Regional Wastewater Treatment Plant NPDES Permit Issued in 2010 – California Sportfishing Protection Alliance v. Central Valley Water Board et al. (Sacramento County Sup. Ct., Case No. 34-2013-80001358)

j. Walker Mine Cleanup and Abatement Order Issued in 2014 – Atlantic Richfield Company v. Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2014-80001875)

Litigation filed by the Central Valley Water Board against other parties:

a. Aerojet Cleanup – Central Valley Water Board et al. v. Aerojet-General Corp. et al. (Sacramento County Sup. Ct., Case No. 286073, consolidated with Case Nos. 288302 and 291981); Central Valley Water Board et al. v. Aerojet-General Corp. et al. (EDCal, Case No. CIV-S-86-0064-EJG) consolidated with U.S. v. Aerojet-General Corp. et al., (EDCal, Case No. CIV-S-86-0063-EJG)

b. Bonzi Landfill – Central Valley Water Board v. Ma-Ru Holding Company et al. (Stanislaus County Sup. Ct., Case No. 643740)

c. Injuinctive Relief for Tosta Dairy – Central Valley Water Board v. Henry J. Tosta et al. (San Joaquin County Sup. Ct., Case No. 39-2014-0031814-CU-MC-STK)

d. Original Sixteen-to-One Mine Mandatory Minimum Penalties – Central Valley Water Board et al. v. Original Sixteen-to-One Mine, Inc. et al. (Sierra County Sup.Ct., Case No. 7019)

Petitions for Review of Central Valley Water Board Actions filed with State Water Board:

a. City of Live Oak, NPDES Permit R5-2011-0034 and TSO R5-2009-0012-01 [NPDES Permit No. CA0079022] (State Water Board File Nos. A-2172(a) and 2172(b))

b. City of Auburn Wastewater Treatment Plant, WDRs Order R5-2011-003 (Amending WDRs Order R5-2010-0090) [NPDES Permit No. CA0077712] – Petition filed by California Sportfishing Protection Alliance


d. City of Tracy, WDRs Order R5-2012-0115 [NPDES Permit No. CA079154] (State Water Board File No. A-2238)

e. Discovery Bay Wastewater Treatment Plant, WDRs Order R5-2008-0179 [NPDES Permit No. CA007859] – Petitions filed by San Luis & Delta-Mendota Authority et al. and California Sportfishing Protection Alliance (State Water Board File Nos. A-1982(a) and A-1982(b))

f. Eastern San Joaquin Irrigated Lands General Waste Discharge Requirements, Order R5-2012-0116 – Petitions filed by California Sportfishing Alliance et al.; San Joaquin County Resource Conservation District et al.; and Asociacion de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2239(a) through (c))

g. James G. Sweeney and Amelia M. Sweeney, Administrative Civil Liability Order R5-2011-0068 (State Water Board File No. A-2190)

h. James, G. Sweeney and Amelia M. Sweeney, Groundwater Monitoring Directive (State Water Board File No. A-2212)

i. James G. Sweeney and Amelia M. Sweeney, Administrative Civil Liability Order R5-2012-0070 (State Water Board File No. A-2225)


k. Malaga County Water District, WDRs Order R5-2014-0145 and Cease and Desist Order R5-2014-0146 (State Water Board File number is unavailable)

l. Nevada County Sanitation District No. 1, Lake of the Pines WWTP, WDRs Order R5-2009-0031 [NPDES Permit CA0081612] (State Water Board File No. A-2019)
m. Sacramento River Watershed Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0030 – Petition filed by California Sportfishing Alliance et al. (State Water Board File number is unavailable)

n. San Joaquin County and Delta Area Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0029 – Petition filed by California Sportfishing Alliance et al. (State Water Board File number is unavailable)


p. Tulare Lake Basin Area Irrigated Lands General Waste Discharge Requirements, Order R5-2013-0120 – Petitions filed by Southern San Joaquin Valley Water Quality Coalition et al., Michael and Yvonne LaSalle, and Asociacion de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2276(a) through (c))

q. Vacaville Easterly WWTP WDRs Order R5-2008-0055 and TSO R5-2008-0056 [NPDES Permit No. CA0077691] – Petition filed by the City of Vacaville (State Water Board File No. A-1932)

r. Walker Mine, Cleanup and Abatement Order R5-2014-0039 – Petition and Request for Stay filed by Atlantic Richfield Company (State Water Board File number is unavailable)

s. West San Joaquin River Watershed Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0002 – Petition filed by California Sportfishing Alliance et al. (State Water Board File number is unavailable)
MEETING PROCEDURES

The Central Valley Water Board circulates item-specific Notices and/or Hearing Procedures along with drafts of its Orders and Amendments. If there is a conflict between an item-specific Notice or Hearing Procedure and the Meeting Procedures in this Agenda, the item-specific Notice or Hearing Procedure will control. Please contact Board staff if you do not know whether there is a Notice or Hearing Procedure for a specific item.

The statutes and regulations that govern the Central Valley Water Board’s meetings can be found at:
http://www.waterboards.ca.gov/laws_regulations/

All persons may speak at a Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral presentations will be limited in time by the Board Chair, and a timer may be used. Where speakers can be grouped by affiliation or interest, such groups are expected to select a spokesperson and to not be repetitive. The Board will accommodate spokespersons by granting additional time if other group members will not also be speaking.

Written materials that are received after deadlines set by item-specific Notices and/or Hearing Procedures will not generally be admitted. Any person requesting to submit late materials must demonstrate good cause, and the Chair must find that the admission of the late materials would not prejudice the Central Valley Water Board or any designated party. The Chair may modify this rule to avoid severe hardship.

PROCEDURE FOR HEARINGS IN ADJUDICATIVE MATTERS

(Including the issuance of Waste Discharge Requirements, NPDES Permits, Conditional Waivers, and certain Enforcement Orders, including Cleanup and Abatement and Administrative Civil Liability Orders)

The regulations for adjudicative proceedings are found in California Code of Regulations, title 23, sections 648 et seq. An adjudicative proceeding is a hearing to receive evidence for the determination of facts pursuant to which the Board formulates and issues a decision.

Evidence: Adjudicative hearings are not conducted according to the technical rules of evidence; the Board will accept any evidence that is reasonably relevant. It is the policy of the Board to discourage the introduction of surprise testimony and exhibits. Hearsay evidence may be used to supplement or explain other evidence.

Designated Parties: Designated Parties are persons named in a proposed order, anyone who requests designated party status and is so designated by the Board, and, for prosecutorial matters, the Board’s Prosecution Team. Designated Parties have the right to call and examine witnesses, receive witness lists from other Designated Parties, introduce exhibits, cross-examine opposing witnesses, rebut evidence, make or oppose evidentiary objections, and make opening and/or closing statements.

Interested Persons: All persons who wish to participate in the hearing but who are not Designated Parties are Interested Persons. Interested Persons may present non-evidentiary policy statements or comments, either orally or in writing, but will not be subject to cross-examination. Interested Parties may be asked to respond to clarifying questions from the Board, staff, or others.

Order of Proceeding: for adjudicative hearings, the proceeding will be generally be conducted in the following order, unless modified by the Board Chair or specified differently in an item-specific Notice or Hearing Procedure:

- Testimony and cross-examination of Board staff, then testimony and cross-examination of the Designated Parties named in the Order or Permit, followed by testimony and cross-examination of other Designated Parties
- Statements of Interested Persons
- Closing statement by Designated Parties other than those named in the Order or Permit, then closing statement by Designated Parties named in the Order or Permit, followed by closing statement by Board staff
- Recommendation by the Board’s Executive Officer (as appropriate)
- Close of the Hearing, followed by deliberation and voting by the Board

Closing statements are not to be used to introduce new evidence or testimony. Persons wishing to introduce exhibits (i.e., maps, charts, photographs) must leave them with the Board.

7
PROCEDURE FOR RULEMAKING AND INFORMATIONAL PROCEEDINGS
(Including Basin Planning, Rulemaking, Setting of Policy, and Workshops)

The regulations for rulemaking and informational proceedings are found in California Code of Regulations, title 23, sections 649 et seq. Rulemaking proceedings include hearings designed for the adoption, amendment, or repeal of any rule, regulation, or standard of general application. Informational proceedings include any hearings designed to gather and assess facts, opinions, and other information relevant to any matters within the jurisdiction of the Boards and whose primary purposes are to assist the Boards in the formulation of policy or guidelines for future Board action, to inform the public of Board policies, reports, orders, plans, or findings, and to obtain public comment and opinion with respect to such policies, reports, orders, plans, or findings, or to adopt such policies, reports, orders plans, or findings.

For rulemaking and informational proceedings, the Board does not distinguish between Designated Parties and Interested Persons; the Board will accept any evidence that is reasonably relevant, provided that it is submitted in accordance with any item-specific Notice or Hearing Procedure.

Order of Proceeding: for rulemaking and informational proceedings, the proceeding will be generally be conducted in the following order, unless modified by the Board Chair or specified differently in an item-specific Notice or Hearing Procedure:
- Opening statement by the Board summarizing the subject matter and purpose of the proceeding
- Presentation by Board staff
- Presentations by all other persons
- Recommendation by the Board's Executive Officer (as appropriate)
- Close of the Hearing, followed by deliberation and voting by the Board (as appropriate)

PETITION PROCEDURE

Any person aggrieved by an action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of the issuance of the Order, except that if the thirtieth day following the issuance of the Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

The primary duty of the Central Valley Water Board is to protect the quality of the waters within the Central Valley Region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all agricultural, domestic, and industrial waste discharges. Specific responsibilities and procedures of the Boards and the State Water Resources Control Board are contained in the Porter-Cologne Water Quality Control Act.

BOARD MEMBERS CITY OF RESIDENCE TERM EXPIRES
Jon Costantino Grass Valley 9/30/2015
Carmen L. Ramirez* Atwater 9/30/2017
Karl E. Longley Fresno 9/30/2017
Robert Schneider Davis 9/30/2018
Denise Kadara Allensworth 9/30/2018
*Public member in accordance with Water Code section 13201(c)

Pamela C. Creedon, Executive Officer
Kiran Lanfranchi-Rizzardi, Administrative Assistant
Patrick Pulupa, Attorney III
Nathan Jacobsen, Attorney III
Andrew Deeringer, Attorney I

SACRAMENTO OFFICE
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114
Telephone: (916) 464-3291
Fax: (916) 464-4758

Assistant Executive Officers:
Adam Laputz
Andrew Altevogt
Linda Bracamonte

Supervisors:
Bob Chow
Brett Braidman
Brian Newman
David King
Jeanne Chilcott
Nichole Morgan
Robert Busby
Sue McConnell
Wendy Wyels

Seniors:
Anne Littlejohn
Brett Stevens
Charlene Herbst
Cori Condon
Daniel McClure
Elizabeth Lee
Gerald Djuth
Howard Hold
Jim Marshall
Josh Palmer
Joe Mello
Kari Holmes
Marie McCrink
Marty Hartzell
Michelle Wood
Patrick Morris
Steven Meeks
Steve Rosenbaum
Susan Fregien

FRESNO OFFICE
1685 E Street
Fresno, CA 93706
Telephone: (559) 445-5116
Fax: (559) 445-5910

Assistant Executive Officer:
Clay Rodgers

Supervisors:
Dale Harvey
Doug Patteson
Lonnie Wass

Seniors:
Dale Essary
Daniel Carlson
David Shoels
Jeremy Pagan
Matt Scroggins
Russell Walls
Shelton Gray
Warren Gross

REDDING OFFICE
364 Knollcrest Drive, Suite 205
Redding, CA 96002
Telephone: (530) 224-4845
Fax: (530) 224-4857

Assistant Executive Officer:
Clint Snyder

Supervisor:
Bryan Smith

Seniors:
Angela Wilson
George Day
George Low
Public Nuisance Hearing

To: Yuba County Board of Supervisors
From: Jeremy Strang, Code Enforcement Division Manager
Date: July 28, 2015

Statement of Facts:

The property that is subject of this hearing is Assessor’s Parcel Number (APN) 021-341-015-000. The parcel is located in the unincorporated area of the County of Yuba in the community of West Linda and is commonly referred to as 5603 ‘D’ South Gledhill Avenue. The property has the zoning designation R-2, Medium Density Residential and is 0.22 of an acre in size. The property is improved with a single family dwelling.

Jagjit Singh Powar is the owner of record and is listed on the most recent equalized tax assessment.

Current Code Case:

- Case Number: MMJ15-0115
- Date: 6/22/2015
- Complaint: Marijuana Cultivation
- Disposition: Founded; cultivation of 91 marijuana plants. Notice and Order to Abate Public Nuisance issued.
- Case Closed: N/A

On June 24, 2015, Officers Christopher Monaco and John Jacenich made contact with the tenant and cultivator at the subject address. The cultivator, Robert Moreno, admitted to cultivating marijuana in the rear yard and claimed he had approximately 50 plants. Officer Monaco verbally advised Mr. Moreno about the Yuba County Ordinance Code [“the Code”] requirements for marijuana cultivation and requested Mr. Moreno to remove the plants to come into compliance and avoid steep penalties for non-compliance. Mr. Moreno denied access to the rear yard for inspection and instead scheduled an inspection appointment for Friday, June 26, 2015.

On the morning of June 26, 2015, Officers John Jacenich and Tracie Clark made contact with Mr. Moreno. Mr. Moreno claimed he was unable to remove the marijuana, citing lack of adequate time.
and a broken down pickup truck and asked for a time extension until Monday, June 29th. Officer Jacenich agreed to the extension pending approval from the Code Enforcement Supervisor.

After consulting with the Code Enforcement Supervisor, it was decided that no extension would be offered and that a Notice and Order to Abate Public Nuisance would be issued.

Public Nuisance Declared:

On June 26, 2015, an inspection of the property, performed by Officers Jacenich and Clark and Yuba County Sheriff’s Deputy Davis, confirmed that:
1. Marijuana was being cultivated without first registering the cultivation
2. The number of plants, 91, exceeded the maximum amount allowed
3. The cultivation of marijuana was not within a qualifying accessory structure

After confirming the violations and providing multiple opportunities to correct the violation, Code Enforcement Officer John Jacenich served a Notice and Order to Abate Public Nuisance ["Order"] (see Attachment A – Notice and Order). The Order was personally served to the cultivator, Robert Moreno, and was also mailed to the cultivator and the property owner by U.S. Mail, both Certified Mail with Return Receipt and First Class; a proof of Service for each was completed (see Attachment B – Proof of Service).

The Order alleges the following violations:
1. 7.40.300A Outdoor cultivation of 91 marijuana plants
2. 7.40.340 Failure to register marijuana cultivation prior to cultivating
3. 7.40.400A Cultivation of marijuana in violation of any of the provisions of Chapter 7.40 of the Yuba County Ordinance Code.
4. 7.40.400E The cultivation of marijuana in a manner that exceeds 12 plants.

Yuba County Ordinance Code, Section 7.40.540B requires that the nuisance be abated immediately but not more than 3 days from the date the Order is posted. The Code also requires that an Administrative Penalty be imposed. Pursuant to Section 7.40.550B, the Administrative Penalty imposed was calculated for the amount of $9,400.00 per day and began to accrue immediately upon the issuance of an Order (7.40.550C) (see Attachment C – Administrative Penalty Worksheet).

Attached and incorporated as part of this report as Attachment D – Photographs, are photographs taken on June 26, 2015, by Officer Jacenich. The photographs accurately depict the conditions of the subject property observed by Officer Jacenich on that date and further support the existence of a public nuisance.

On July 1, 2015, a compliance inspection was performed by Officer Christopher Monaco along with the property owner Mr. Powar; Officer Monaco verified that the marijuana had been removed.

On July 6, 2015, Mr. Powar, through his attorney Michael Barrette, filed a timely request, along with the fee deposit of $4,116.00, for hearing to appeal the amount of Administrative Penalty imposed (see Attachment E – Request for Hearing).
Applicable Law:

YUBA COUNTY ORDINANCE CODE CHAPTER 7.40, MARIJUANA CULTIVATION (1542)

7.40.300 Cultivation Restrictions
   A. Outdoor cultivation on any Parcel is prohibited.

7.40.300 Cultivation Restrictions
   C. Cultivation of more than twelve (12) marijuana plants on any Parcel is prohibited. The
      foregoing limitation shall be imposed regardless of the number of qualified patients or primary
      caregivers residing on the Parcel or participating directly or indirectly in the cultivation.
      Further, this limitation shall be imposed notwithstanding any assertion that the person(s)
      cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s)
      are collectively or cooperatively cultivating marijuana.

7.40.400 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.

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.

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:
   E. The cultivation of marijuana in a manner that exceeds 12 plants.

7.40.550 Administrative Penalties
   A. Any person who violates this Chapter shall be guilty of a separate offense for each and
every day, or portion thereof, the violation is committed, permitted or continued. In addition to
the actual abatement and/or administrative costs incurred by the County any person who has
been issued a Notice and Order to Abate Public Nuisance shall be assessed an Administrative
Penalty as follows:
   1. A penalty of $100.00 for each violation of this Code per day as set forth in the Notice
      and Order to Abate.
   2. A penalty of $200.00 for each violation of this Code per day when a second violation
      of this Code occurs within eighteen (18) months of a previously issued Notice and
      Order to Abate.
   3. A penalty of $500.00 for each violation of this Code per day for each subsequent
      violation of this Code beyond the second when the violation occurs within thirty-six (36)
      months of the original Notice and Order to Abate.
B. For the purpose of calculating the daily Administrative Penalty, each offense of any Section of this Chapter shall be charged as a separate violation; in addition, each marijuana plant in violation of this Chapter shall be charged as a separate violation.

C. The Administrative Penalty, pursuant to this Section, shall be assessed immediately upon the issuance of a Notice and Order to Abate Public Nuisance and shall continue to accrue until the date compliance with the Order has been met and verified by the Enforcing Officer. In the event an appeal has been properly filed with the County, the appeal shall have no affect on the Administrative Penalty and said Penalty shall continue to accrue during the pendency of the hearing. At the conclusion of the hearing the Yuba County Board of Supervisors is authorized to modify or waive the Administrative Penalty for cause and shall make express findings into the record for such modification or waiver.

7.40.560 Enforcement Costs

A. All costs and penalties associated with the enforcement of this Chapter are the responsibility of the owner(s) of any parcel(s) on which a nuisance has been found to exist and such costs shall be paid within 30 days of the date of demand thereof.

Recommendation:

The evidence and testimony given clearly show violations of the Yuba County Ordinance Code and those violations constitute a public nuisance. I respectfully request that the Yuba County Board of Supervisors:

1. Confirm the existence of a public nuisance
2. Confirm the Administrative Penalty for $9,400.00 per day
3. Confirm enforcement costs of $50,739.68 accrued to date (see Attachment F – Cost Accounting)
4. Order that the enforcement costs be paid within 30 days of the date of your Order.
5. Order where the enforcement costs go unpaid that:
   a. A special tax assessment be assessed against the parcel with the Yuba County Tax Collector’s Office; and
   b. A lien be recorded with the Yuba County Recorder’s Office, and;
   c. Any monies collected pursuant to your Order be deposited into Trust Account 254-0000-371-98-99 (90%) and Trust Account 256-0000-371-98-99 (10%).
NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

<table>
<thead>
<tr>
<th>CULTIVATOR(S):</th>
<th>ADDRESS</th>
<th>PROPERTY OWNER(S):</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROBERT HOPFEN</td>
<td>5603 SOUTH GLENHILL RD, WEST LINDA, CA</td>
<td>SAGITT SICHT POWER</td>
<td>1773 HAROLD COURT, YUBA CITY, CA 95991</td>
</tr>
</tbody>
</table>

VIOLATION ADDRESS: 5603 SOUTH GLENHILL RD, WEST LINDA, CA 95991
APN: 021-341-015

PLEASE TAKE NOTICE: that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

Yuba County Ordinance Code § 7.40.400(A) ...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.

- Outdoor cultivation 7.40.300A
- Cultivation w/in dwelling 7.40.300B
- Cultivation of more than 12 plants 7.40.300C
- Water source/discharges 7.40.300D
- Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E
- Active Code case 7.40.300F
- Lack of dwelling 7.40.310
- Permitted accessory structure 7.40.320A1
- Accessory structure w/in setback 7.40.320A2
- Use of extension cord(s) 7.40.320A3
- Lack of mechanical filtration system 7.40.320A4
- Lack of adequate fence around accessory structure (height; security) 7.40.330
- Lack of registration 7.40.340
Yuba County Ordinance Code § 7.40.340 The cultivation of marijuana without first registering the cultivation and paying the required fee.

Yuba County Ordinance Code § 7.40.400(B) The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.

Yuba County Ordinance Code § 7.40.400(E) The cultivation of marijuana in a manner that exceeds 12 plants

# of plants: 4

Yuba County Ordinance Code § 7.40.400(G) Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:

☐ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use

☐ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20

☐ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05

☐ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35

☐ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36

YOU ARE HEREBY ORDERED to correct or remove all violations from subject property pursuant to the following:

YOU ARE HEREBY ADVISED that Administrative Penalties in the amount of $94.00 per day pursuant to Yuba County Code § 7.40.550 have begun to accrue and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A $4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties. A $4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County
abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The “cost of abating a violation” shall include, but not be limited to, the county’s attorneys’ fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENTS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.

BY PERSONAL SERVICE

Dated: 6/3/15

John Jacenich
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, Billing Statement #634

CC: Robert Moreno, 602 South Glen Hill, #7 West Lindsay, Ch 95915
     Saguinon Toward, 1173 Hardral Court, Yuba City, Ch 95993
COUNTY OF YUBA

PROOF OF SERVICE

I served a copy of the foregoing Notice & Order to Abate Public Nuisance and Billing Statement #634 on the following persons by:

☒ Mailing, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the property owner(s):
  Name: Jagjit Singh Powar
  Address: 1773 Hardial Ct, Yuba City, CA 95993
  Date of Delivery to Post Office: June 26, 2015
  Registration No.: 7001-1140-0000-5334-2401

☐ Emailing to the property owner(s):
  Name:
  Email Address:
  Date and Time of Email:

☒ Mailing, postage prepaid, First Class Mail to the tenant/ cultivator(s):
  Name: Robert Moreno
  Address: 5603 S Gledhill Ave #D, Olivehurst, CA 95961
  Date of Delivery to Post Office: June 26, 2015

☐ Mailing, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the attorney(s):
  Name:
  Address:
  Date of Delivery to Post Office:
  Registration No.:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 26, 2015 at Marysville, California.

Signed, Melanie Marquez
Community Development & Services Agency
Code Enforcement Division
Melanie Marquez
915 8th Street, Suite #123
Marysville CA. 95901
(530) 749-5455
COUNTY OF YUBA

PROOF OF SERVICE

I served a copy of the foregoing Notice and Order No. MMJ15-0115 on the following persons by:

☒ Personally delivering a copy to:
   Name: Robert Moreno
   Address: 5603 #D South Gledhill, West Linda, CA 95961
   Date: June 26, 2015
   Time: 1130 Hours

☐ Mailing, postage prepaid, Certified/Return Receipt Requested to the property owner:
   Name:
   Address:
   Date of Delivery to Post Office:
   Registration No.:

☐ Mailing, postage prepaid, Certified/Return Receipt Requested to the tenant(s):
   Name:
   Address:
   Date of Delivery to Post Office:
   Registration No.:

☐ Mailing, postage prepaid, Certified/Return Receipt Requested to the lien holder(s):
   Name:
   Address:
   Date of Delivery to Post Office:
   Registration No.:

☐ Posting a copy of the at:
   Address:
   APN:
   Date and Time of Posting:
   Location Posted:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 26, 2015 at Marysville, California.

Signed

John Jacenich
915 8th Street, Suite #123
Marysville CA. 95901
(530) 749-5455
## ADMINISTRATIVE PENALTY WORKSHEET
### 7.40.550A-C

**Case #:** MMJ15-011E  
**APN:** 021-341-015  

**Owner:** Gayje Singh Powar  

**Situs:** 5203 S. Gledhill Ave # D, W. Linda, CA 95941

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<th>Dates</th>
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<tr>
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<td>Grand Total: $9,400.00</td>
<td></td>
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</tbody>
</table>
July 6, 2015

Yuba County Code Enforcement Office
915 8th Street, Suite 123
Marysville, CA 95901

RE: Jagjit Singh Powar-Appeal of Notice to Abate, June 26, 2015
Violation Address, 5603 South Gledhill, #D, West Linda, CA 95961
APN: 021-341-015

Dear Clerk of the Yuba County Code Enforcement Office:

Please be advised that the above-named client hereby appeals the Notice to Abate dated June 26, 2015 to the Yuba County Board of Supervisors. A hearing is requested. A check for the required deposit of $4,116.00 is enclosed. Please note that the undersigned will be representing the appellant in the appeal hearing. I will be on vacation from July 9, 2015 and returning back to work on July 20, 2015. It is requested that the appeal not be set for hearing during my vacation.

The appellant DOES NOT appeal the determination of a nuisance existing on his property. The basis for the appeal is the propriety of an administrative penalty being issued against an absent landlord of the residential premises prior to the landlord being given notice of the nuisance, which did not exist on the property at the time the landlord leased the property to the tenant, and being given a reasonable period of time to abate the nuisance before administrative penalties accrue to the landlord.

Thank you for your kind attention to this matter.

Very truly yours,

MICHAEL R. BARRETTE

Enclosures

RECEIVED
JUL 06 2015
COMMUNITY DEVELOPMENT & SERVICES AGENCY

Attachment E - Request for Hearing
Receipt Number: CE-1425

Owner: Powar, Jagjit Singh
Address: 5603 S Gledhill Ave #D
Situs Violation:  
Situs APN: 

Description Of Charges  Amount

CODE ENFORCEMENT FEE  $4,116.00

TOTAL FEES PAID  $4,116.00

DATE PAID: 7/6/2015
PAID BY: Chima-Powar Investments
PAYMENT METHOD: CHECK  1268
RECEIVED BY: 

Attachment E - Request for Hearing
YUBA COUNTY CODE ENFORCEMENT  
COST ACCOUNTING

Date: July 28, 2015  
Case #: MMJ15-0115  
Owner: Jagjit Singh Powar  
Situs: 5603 ‘D’ South Gledhill, West Linda, CA 95961

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</table>

7/28/2015 **CDSA Support $3528.00 X 6%  

|          |                                                                | 6%    | $211.68  |

TOTAL: $50,739.68

7/6/2015 APPEAL DEPOSIT RECEIVED – Not included in calculation above  

|          |                                                                | FEE   | $4,116.00|

Attachment F – Cost Accounting  
Page 1 of 1
Public Nuisance Hearing

To:       Yuba County Board of Supervisors  
From:  Jeremy Strang, Code Enforcement Division Manager  
Date:  July 28, 2015

Statement of Facts:

The property that is subject of this hearing is Assessor’s Parcel Number (APN) 021-402-003-000. The parcel is located in the unincorporated area of the County of Yuba in the community of West Linda and is commonly referred to as 5519 South Gledhill Avenue. The property has the zoning designation R-2, Medium Density Residential and is 0.5 of an acre in size. The property is improved with a single family dwelling.

Jesus and Maria G. Torres are the owners of record and are listed on the most recent equalized tax assessment.

Current Code Case:

Case Number:  MMJ15-0119  
Date:  6/22/2015  
Complaint:  Marijuana Cultivation  
Disposition:  Founded; cultivation of 86 marijuana plants. Notice and Order to Abate Public Nuisance issued.  
Case Closed:  N/A

On June 23, 2015, Officer Christopher Monaco attempted an inspection of the subject property. Officer Monaco observed two male adults and was greeted by one who identified himself as Rob Gomez. Mr. Gomez purported to be performing clean-up work around property for the owner. Officer Monaco advised Mr. Gomez of the complaint of marijuana cultivation and Mr. Gomez stated that he had no knowledge of any marijuana being on the property. Mr. Gomez attempted to make a phone call from his cell phone, stating that he was attempting to contact the property owner; the phone call was unsuccessful. Officer Monaco provided Mr. Gomez his business card, asked that Mr. Gomez have the property owner contact him as soon as possible, and left the property. While walking back to his County vehicle, Officer Monaco was able to clearly see and identify three small marijuana plants – two planted in the ground and one in a pot – on the North facing side yard of the property.
On June 24, 2015, after not hearing from the property owner, Officer Monaco accompanied by Officer Jacenich attempted to make contact with any occupants of the property in order to conduct an inspection. During their attempt, Officers Monaco and Jacenich observed several windows that were open. The South facing side yard contained personal property consisting of chairs and a barbeque. Officer Monaco called into the house through an open window attempting to alert anyone inside. From that location the Officers observed that the PG&E electric meter had been removed. While still attempting contact, the Officers proceeded to the North side yard. The three marijuana plants were still present. Once again Officer Monaco called into the house through an open window, identifying himself and requesting contact. From that location the Officers observed that the flooring in the house had been removed. Also from that location, the Officers were able to view the rear yard and could easily see and identify additional marijuana plants in the ground. Officer Monaco noted that a full-size Dodge Ram pick-up, license 39246N1, was parked in the driveway. It was later discovered that the Dodge pick-up was registered to Joshua Hatfield.

On June 29, 2015, after not hearing from the property owner, Officer Monaco accompanied by Yuba County Sherriff's Deputy Haresh, again attempted an inspection. Deputy Haresh attempted contact in the same manner as Officer Monaco had on the 24th. During this inspection, Officer Monaco noted that the Dodge pick-up was gone and now there was a Harley Davidson Motorcycle (license 20H2588) parked in the driveway. As Deputy Haresh moved down the Northern side yard he observed marijuana. After investigating further, Deputy Haresh and Officer Monaco observed a large-scale outdoor marijuana grow at the rear of the property. A section of fencing was present providing a limited amount of screening; however, the grow was not fully surrounded by a fence and no security measures were present. Officer Monaco and Deputy Haresh counted 86 live marijuana plants and 10 dead plants. No doctor recommendation(s) was posted.

Public Nuisance Declared:

On June 29, 2015, pursuant to his observations, Officer Monaco issued a Notice and Order to Abate Public Nuisance. His inspection confirmed that:

1. Marijuana was being cultivated without first registering the cultivation
2. The number of plants, 86, exceeded the maximum amount allowed
3. The cultivation of marijuana was not within a qualifying accessory structure

The Notice and Order to Abate Public Nuisance ["Order"] (see Attachment A – Notice and Order) was issued to the property owners, Jesus and Maria Torres and was posted on the property. The Order was also mailed to the property owner by U.S. Mail, both Certified Mail with Return Receipt and First Class; a proof of Service for each was completed (see Attachment B – Proof of Service).

The Order alleges the following violations:

1. 7.40.300A Outdoor cultivation of 86 marijuana plants
2. 7.40.340 Failure to register marijuana cultivation prior to cultivating
3. 7.40.400A Cultivation of marijuana in violation of any of the provisions of Chapter 7.40 of the Yuba County Ordinance Code.
4. 7.40.400E The cultivation of marijuana in a manner that exceeds 12 plants.

Yuba County Ordinance Code, Section 7.40.540B requires that the nuisance be abated immediately but not more than 3 days from the date the Order is posted. The Code also requires that an Administrative Penalty be imposed. Pursuant to Section 7.40.550B, the Administrative Penalty imposed was
calculated for the amount of $8,900.00 per day and began to accrue immediately upon the issuance of an Order (7.40.550C) (see Attachment C – Administrative Penalty Worksheet).

Attached and incorporated as part of this report as Attachment D – Photographs, are photographs taken on June 29, 2015, by Officer Monaco. The photographs accurately depict the conditions of the subject property observed by Officer Monaco on that date and further support the existence of a public nuisance.

On July 2, 2015, a compliance inspection was performed by Officer Monaco at the request of the property owner, Maria Torres.; Officer Monaco verified that the marijuana had been removed.

On July 6, 2015, Jesus and Maria Torres, through their attorney Roberto Marquez, filed a timely request, along with the fee deposit of $4,116.00, for hearing to appeal the amount of Administrative Penalty imposed (see Attachment E – Request for Hearing).

Applicable Law:

YUBA COUNTY ORDINANCE CODE CHAPTER 7.40, MARIJUANA CULTIVATION (1542)

7.40.300 Cultivation Restrictions
A. Outdoor cultivation on any Parcel is prohibited.

7.40.300 Cultivation Restrictions
C. Cultivation of more than twelve (12) marijuana plants on any Parcel is prohibited. The foregoing limitation shall be imposed regardless of the number of qualified patients or primary caregivers residing on the Parcel or participating directly or indirectly in the cultivation. Further, this limitation shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.

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.

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.

7.40.400 Conditions Creating Public Nuisance
E. The cultivation of marijuana in a manner that exceeds 12 plants.
7.40.550 Administrative Penalties
A. Any person who violates this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, the violation is committed, permitted or continued. In addition to the actual abatement and/or administrative costs incurred by the County any person who has been issued a Notice and Order to Abate Public Nuisance shall be assessed an Administrative Penalty as follows:
1. A penalty of $100.00 for each violation of this Code per day as set forth in the Notice and Order to Abate.
2. A penalty of $200.00 for each violation of this Code per day when a second violation of this Code occurs within eighteen (18) months of a previously issued Notice and Order to Abate.
3. A penalty of $500.00 for each violation of this Code per day for each subsequent violation of this Code beyond the second when the violation occurs within thirty-six (36) months of the original Notice and Order to Abate.
B. For the purpose of calculating the daily Administrative Penalty, each offense of any Section of this Chapter shall be charged as a separate violation; in addition, each marijuana plant in violation of this Chapter shall be charged as a separate violation.
C. The Administrative Penalty, pursuant to this Section, shall be assessed immediately upon the issuance of a Notice and Order to Abate Public Nuisance and shall continue to accrue until the date compliance with the Order has been met and verified by the Enforcing Officer. In the event an appeal has been properly filed with the County, the appeal shall have no 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.

Additional Information:
In preparing for this hearing a review of the property’s history resulted in the following information:
1. The property has been owned by the Torres’ since May of 1985.
2. The property does not have any history of code violations
3. A review of Google Earth images, including historical images, supports the allegation of marijuana cultivation since as early as 2010.

Recommendation:
The evidence and testimony given clearly show violations of the Yuba County Ordinance Code and those violations constitute a public nuisance. I respectfully request that the Yuba County Board of Supervisors:
1. Confirm the existence of a public nuisance
2. Confirm the Administrative Penalty for $8,900.00 per day
3. Confirm enforcement costs of $30,050.13 accrued to date (see Attachment F – Cost Accounting)
4. Order that the enforcement costs be paid within 30 days of the date of your Order.

Page 4 of 5
5. Order where the enforcement costs go unpaid that:
   a. A special tax assessment be assessed against the parcel with the Yuba County Tax
      Collector’s Office; and
   b. A lien be recorded with the Yuba County Recorder’s Office, and;
   c. Any monies collected pursuant to your Order be deposited into Trust Account 254-
      0000-371-98-99 (90%) and Trust Account 256-0000-371-98-99 (10%).
The County Of Yuba
Community Development & Services Agency
CODE ENFORCEMENT
Telephone: (530) 749-5455  Fax: (530) 749-5616
915 8th Street, Suite 123, Marysville, California 95901

NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

CULTIVATOR(S):

PROPERTY OWNER(S):

ADDRESS: 4185 Cord F
          Orangevale, CA 95662
          JESUS & MARIA

ADDRESS: 3519 S. Gledhill Ave
          W. LINDA, CA 95941
          JESUS & MARIA

VIOLATION ADDRESS:

APN:

PLEASE TAKE NOTICE: that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

Yuba County Ordinance Code § 7.40.400(A) ...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.

☐ Outdoor cultivation 7.40.300A
☐ Cultivation w/in dwelling 7.40.300B

☐ Cultivation of more than 12 plants 7.40.300C  NUMBER OF PLANTS: 31

☐ Water source/discharges 7.40.300D
☐ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E

☐ Active Code case 7.40.300F
☐ Lack of dwelling 7.40.310

☐ Permitted accessory structure 7.40.320A1
☐ Accessory structure w/in setback 7.40.320A2

☐ Use of extension cord(s) 7.40.320A3
☐ Lack of mechanical filtration system 7.40.320A4

☐ Lack of adequate fence around accessory structure (height; security) 7.40.330
☐ Lack of registration 7.40.340
Yuba County Ordinance Code § 7.40.340 The cultivation of marijuana without first registering the cultivation and paying the required fee.

Yuba County Ordinance Code § 7.40.400(B) The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.

Yuba County Ordinance Code § 7.40.400(E) The cultivation of marijuana in a manner that exceeds 12 plants
# of plants: ☐

Yuba County Ordinance Code § 7.40.400(G) Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:
- Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq.
  including utilizing accessory uses without first establishing a primary use
- Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20
- Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05
- Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35
- Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36

YOU ARE HEREBY ORDERED to correct or remove all violations from subject property pursuant to the following:

YOU ARE HEREBY ADVISED that Administrative Penalties in the amount of $20 per day pursuant to Yuba County Code § 7.40.550 have begun to accrue and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A $4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties. A $4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County...
abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The “cost of abating a violation” shall include, but not be limited to, the county’s attorneys’ fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENTS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.

BY PERSONAL SERVICE
POSTED PROPERTY
DATED: 4/29/15

Cert #: 7001 1140 0000 5334 2418 $2425

Chris Monaco
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40, Billing Statement #635

CC: JESUS AND MARSA TAKES
4185 CORD F
ORLAND, CA 95963

OCCUPANTS
5519 S. GLEDHILL AVE.
OLIVEHURST, CA 95961
COUNTY OF YUBA

PROOF OF SERVICE

I served a copy of the foregoing Notice and Order to Abate Public Nuisance (MMJ15-0119) and Billing Invoice #635 on the following persons by:

☒ Mailing, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the Property Owner(s):
   Name: Jesus & Maria Torres
   Address: 4185 County Rd F, Orland, CA 95963
   Date of Delivery to Post Office: June 30, 2015
   Registration No.: 7001-1140-0000-5334-2418

☒ Mailing, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the Current Occupant(s):
   Name: Occupants
   Address: 5519 S. Gledhill Ave, Olivehurst, CA 95961
   Date of Delivery to Post Office: June 30, 2015
   Registration No.: 7001-1140-0000-5334-2425

☐ Mailing, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the attorney(s):
   Name:
   Address:
   Date of Delivery to Post Office:
   Registration No.:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 30, 2015 at Marysville, California.

Signed Melanie Marquez

Community Development & Services Agency
Code Enforcement Division
Melanie Marquez
915 8th Street, Suite #123
Marysville CA. 95901
(530) 749-5455
ADMINISTRATIVE PENALTY WORKSHEET
7.40.550A-C

Case #: MMJ 15-0119
APN: 021-402-003

Owner: JESUS AND MARIA TOLES

Situs: 5519 S. GROHMANN AVE, W. LINDA, CA 95921

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<th>Violation &amp; Ordinance Number</th>
<th>Amount</th>
<th>Total per Day</th>
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<td>Number of Plants 86</td>
<td>X $100.00</td>
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<td>7.40.400(A)</td>
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Grand Total: $89,100.00
Yuba County Code Enforcement
Cost Accounting

Date: July 28, 2015
Case #: MMJ15-0119
APN: 021-402-003-000
Owner: Jesus Torres & Maria G Torres
Situs: 5519 South Gledhill, West Linda, CA 95961

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<td>7/6/2015</td>
<td>Administrative Penalty; 3 Days; $8,900.00/Day</td>
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<td>Appeal Hearing Prep**</td>
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<td>**CDSA Support $3,160.50 X 6%</td>
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<td>$189.63</td>
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**TOTAL:** $30,050.13

7/6/2015 APPEAL DEPOSIT RECEIVED – Not included in calculation above  

FEE $4,116.00

Attachment F – Cost Accounting
Page 1 of 1