

**AGENDA  
BOARD OF SUPERVISORS  
SONOMA COUNTY  
575 ADMINISTRATION DRIVE, ROOM 102A  
SANTA ROSA, CA 95403**

**TUESDAY**

**DECEMBER 3, 2013**

**8:30 A.M.**

(The regular afternoon session commences at 2:00 p.m.)

|                |                 |                      |                      |
|----------------|-----------------|----------------------|----------------------|
| Susan Gorin    | First District  | Veronica A. Ferguson | County Administrator |
| David Rabbitt  | Second District | Bruce Goldstein      | County Counsel       |
| Shirlee Zane   | Third District  |                      |                      |
| Mike McGuire   | Fourth District |                      |                      |
| Efren Carrillo | Fifth District  |                      |                      |

This is a simultaneous meeting of the Board of Supervisors of Sonoma County, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Board of Directors of the Northern Sonoma County Air Pollution Control District, the Sonoma County Public Finance Authority, and as the governing board of all special districts having business on the agenda to be heard this date. Each of the foregoing entities is a separate and distinct legal entity.

The Board welcomes you to attend its meetings which are regularly scheduled each Tuesday at 8:30 a.m. Your interest is encouraged and appreciated.

**AGENDAS AND MATERIALS:** Agendas and most supporting materials are available on the Board's website at <http://www.sonoma-county.org/board/>. Due to legal, copyright, privacy or policy considerations, not all materials are posted online. Materials that are not posted are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 575 Administration Drive, Room 100A, Santa Rosa, CA.

**SUPPLEMENTAL MATERIALS:** Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Board of Supervisors office at 575 Administration Drive, Room 100A, Santa Rosa, CA, during normal business hours.

**DISABLED ACCOMMODATION:** If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Clerk of the Board at (707) 565-2241, as soon as possible to ensure arrangements for accommodation.

**Public Transit Access to the County Administration Center:**

Sonoma County Transit: Rt. 20, 30, 44, 48, 60, 62

Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

For transit information call (707) 576-RIDE or 1-800-345-RIDE or visit or <http://www.sctransit.com/>

***APPROVAL OF THE CONSENT CALENDAR***

The Consent Calendar includes routine financial and administrative actions that are usually approved by a single majority vote. There will be no discussion on these items prior to voting on the motion unless Board Members or the public request specific items be discussed and/or removed from the Consent Calendar.

***PUBLIC COMMENT***

Any member of the audience desiring to address the Board on a matter on the agenda: Please walk to the podium and after receiving recognition from the Chair, please state your name and make your comments. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the subject under discussion. Each person is usually granted 3 minutes to speak; time limitations are at the discretion of the Chair.

## **8:30 A.M. CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

#### **I. APPROVAL OF THE AGENDA**

(Items may be added or withdrawn from the agenda consistent with State law)

#### **II. BOARD MEMBER ANNOUNCEMENTS**

#### **III. CONSENT CALENDAR**

(Items 1 through 31)

#### **PRESENTATIONS/GOLD RESOLUTIONS**

(Items 1 through 4)

#### **PRESENTATIONS AT DIFFERENT DATE**

1. Adopt a Gold Resolution congratulating Sonoma Valley Hospital on the opening of their new surgery center and emergency department. (First District)
2. Adopt a Gold Resolution commending Herb Loudon for being recognized as the United Veterans Council 2014 Veteran of the Year. (Third District)
3. Adopt a Gold Resolution presenting Karl, Nancy, Will, and Brandy Seppi the Wetzel Community Leadership Award by the Healthcare Foundation Northern Sonoma County. (Fourth District)
4. Adopt a Gold Resolution presenting Herb and Jane Dwight the Wetzel Community Leadership Award by the Healthcare Foundation Northern Sonoma County. (Fourth District)

#### **SONOMA COUNTY WATER AGENCY**

(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

5. Authorize the Chair to execute a Right of Way Contract and Grant Deed with the State of California Department of Transportation for the granting of portions of the Water Agency fee property and a temporary construction easement for improvements to Highway 101 as a part of Caltrans' Novato Narrows Widening Project; and authorize the General Manager to file a Notice of Determination in accordance with the California Environmental Quality Act. (Second District)
6. Authorize the Chair to execute an agreement with Utegration, Inc. to provide as-needed Systems Applications and Products (SAP) programming and support services (\$200,000; agreement terminates on December 31, 2014).



CONSENT CALENDAR (Continued)

**SONOMA COUNTY WATER AGENCY**  
**OCCIDENTAL COUNTY SANITATION DISTRICT**  
**RUSSIAN RIVER COUNTY SANITATION DISTRICT**  
**SOUTH PARK COUNTY SANITATION DISTRICT**

(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

**AND**

**SONOMA VALLEY COUNTY SANITATION DISTRICT**

(Directors: Gorin, Rabbitt, K. Brown)

7. Adopt an Ordinance updating amendments to the Sanitation Code Ordinances of the Sonoma County Water Agency and all County Sanitation Districts. (Second Reading – Ready for Adoption)
8. Authorize the General Manager to execute an agreement with Bartle Wells Associates to prepare a sanitary sewer system use study (\$129,330; agreement terminates October 31, 2014).

**AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR /**  
**COUNTY ADMINISTRATOR / INFORMATION SYSTEMS / GENERAL SERVICES**

9. Accept quarterly update on the Enterprise Financial System Project Implementation.

**BOARD OF SUPERVISORS**

10. Disbursement of Fiscal Year 2013–14 Fourth District Advertising Funds – Approve Advertising Program grant awards and authorize the County Administrator to execute contracts with the following entities for advertising and promotions activities for Fiscal Year 2013–14: Geyserville Chamber of Commerce, \$450; Sonoma County Tourism Bureau, \$500; and reallocate an award for \$2,000 to the Economic Development Department which was previously awarded to the Arts Council.
11. Disbursement of Fiscal Year 2013–14 Fifth District Advertising Funds – Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entity for advertising and promotions activities for Fiscal Year 2013–14: Sonoma County Tourism Bureau, \$500.

**COUNTY ADMINISTRATOR**

12. Adopt a Resolution approving and making findings related to the AB 1600 Development Fees Annual Reports for Fiscal Year 2012-13 for the Regional Parks Department and the Department of Transportation and Public Works.

CONSENT CALENDAR (Continued)

**FIRE AND EMERGENCY SERVICES**

13. Adopt a Resolution approving the Volunteer Fire Assistance Program Award #7FG13059 in the amount of \$19,577 for personal protective equipment and authorizing the Chair to execute the agreement between the County of Sonoma and the State of California Department of Forestry and Fire Protection; and Authorize the use of matching funds from County Service Area 40 Fund Balance in the amount of \$19,577.

**GENERAL SERVICES / SHERIFF'S OFFICE**

14. Authorize the Chair to execute a First Amendment to the Revocable License Agreement with the State of California for use of the County's Sleepy Mountain communications site located at 4499 Stage Gulch Road, Sonoma, California, and making findings pursuant to Government Code Section 25526.6. The amendment will align the term of the license with the term of the corresponding ground lease and adjust the rent schedule to match the updated equipment list and the new terms of the license.

**HEALTH SERVICES**

15. Accept and approve amended Health Action Bylaws to include administrative revisions and the addition of two youth member seats to the Health Action Council.
16. Authorize the Director of Health Services to execute an agreement with the County of Marin for Medi-Cal Administrative Activities Host Entity services to coordinate the statewide participation agreement with the California Department of Health Care Services for the period July 1, 2013 through June 30, 2015, in an amount not to exceed \$60,000; and Authorize the Director of Health Services to execute Memorandums of Understanding with community-based organizations that perform Medi-Cal Administrative Activities, in order to facilitate Federal Financial Participation reimbursement.
17. Authorize the Director of Health Services to execute an agreement with Northern California Center for Well-Being for Supplemental Nutrition Assistance Program-Education (SNAP-Ed) nutrition education activities and active recess schools technical assistance and evaluation support with a term end date of September 30, 2016, in an amount not to exceed \$541,950.

**HUMAN RESOURCES**  
**AND**  
**AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT**  
**COMMUNITY DEVELOPMENT COMMISSION**  
**NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT**  
**SONOMA COUNTY WATER AGENCY**

(Directors/Commissioners: Gorin, Rabbitt, Zane, McGuire, Carrillo)

18. Adopt a Concurrent Resolution amending Salary Resolution No. 95-0926, Appendix A - Salary Tables to delete the Agricultural Preservation and Open Space District management classification of OSD Community Relations Manager; amending the Memorandum of Understanding between the County and SEIU Local 1021, Appendix A – Salary Tables to add the revised and re-titled classification of OSD Community Relations Specialist and set the salary at \$7,189, monthly I step, effective December 3, 2013; and adopt a Resolution amending the Department Allocation List for the U.C. Cooperative Extension Department to delete 1.0 Full Time Equivalent (F.T.E.) Public Information Specialist allocation and to add 1.0 F.T.E. Department Analyst allocation, effective December 3, 2013.

**PERMIT AND RESOURCE MANAGEMENT**

19. Adopt a Resolution and Conditions of Approval for a Lot Line Adjustment between three parcels (2 APNs) under Williamson Act contract for Ray Teldeschi, for property located at 9512 West Dry Creek Road, Healdsburg; APNs 139-140-002 and -003 (File No. LLA13-0018). (Fourth District)
20. Adopt a Resolution and Conditions of Approval for a Lot Line Adjustment between two parcels under Williamson Act Contract owned by The Lands of Foley Family Wines Inc., for properties located at 26850 and 26888 Ramal Road, Sonoma; APN's 126-121-032 and -033 (File No. LLA13-0002). (First District)
21. Adopt a Resolution to rescind an existing Type II Williamson Act Contract and authorize the Chair to simultaneously enter into a new Type I Williamson Act Contract for 21.04 acres requested by Kimberly Hughes for Nelligan Rd, LLC; 2401 Nelligan Road, Glen Ellen; APN 051-180-013 (File No. AGP08-0030). (First District)

**TRANSPORTATION AND PUBLIC WORKS**

22. Approve and authorize the Chair to sign an engineering design contract with OPAC Consulting Engineers, Inc. for the design of the replacement of West Dry Creek Road Bridge over the Pena Creek (C01293) in an amount not to exceed \$514,574 with a term ending December 31, 2016. (Fourth District)
23. Adopt a Resolution accepting Grant of Temporary Construction Easement deed, and land for of replacement of Porter Creek Road Bridge northeast of Santa Rosa; authorizing the Chair to execute Right of Way Contract, including payment of \$1,200, which includes \$-0- for severance damages; authorizing proration and transfer of taxes on said land; and authorizing refunds, if applicable, pursuant to §5096 of the Revenue and Taxation Code; lands of Neumann (APN 028-050-021). (First and Fourth Districts)

CONSENT CALENDAR (Continued)

24. Authorize the Chair to sign Personal Services Agreement with Henry Mikus to be the Executive Director of the Sonoma County Waste Management Agency for two years with an option to extend the 2-year term through February 11, 2017.
25. Approve and authorize the Chair to sign the Second Amendment to the Joint Powers Agreement of the Sonoma County Waste Management Agency (SCWMA) which clarifies the Agency's ability to adopt rules and regulations, specifically by ordinance, order, or resolution, and defines the SCWMA's core programs and allows that participation in non-core programs, including a single-use carryout bag ordinance, is at each member jurisdiction's discretion.

**MISCELLANEOUS**

26. Approval of Minutes – (A) Minutes of the Meeting of November 5, 2013 for the following: Agricultural Preservation and Open Space District, Community Development Commission, Northern Sonoma County Air Pollution Control District, Sonoma County Water Agency, and Board of Supervisors; and (B) Minutes of the Meeting of November 12, 2013 for the following: Agricultural Preservation and Open Space District, Community Development Commission, Northern Sonoma County Air Pollution Control District, Occidental County Sanitation District, Russian River County Sanitation District, South Park County Sanitation District, Sonoma County Water Agency, and Board of Supervisors; and (C) Minutes of the Meeting of November 12, 2013 of the Sonoma Valley County Sanitation District.

**APPOINTMENTS/REAPPOINTMENTS**

(Items 27 through 31)

27. Amend the current term end date for the appointment of Joshua Baker to the Developmental Disabilities Board (Area IV) as a Sonoma County representative, shortening the term end date to December 31, 2013 and reappointing Mr. Baker for a new three year term beginning January 1, 2014 and ending on December 31, 2016. Appointment was approved on July 31, 2012 to fill a vacated seat, which term expires December 31, 2013, with an incorrect term end date of July 31, 2015. (County-wide)
28. Appoint John Guardino to the Flood Control Advisory Committee Laguna-Mark West Zone 1A, for a coterminous term effective December 3, 2013. (First District)
29. Appoint John Merserve to the Flood Control Advisory Committee Valley of the Moon Zone 3A, for a coterminous term effective December 3, 2013. (First District)
30. Reappoint Linda Hale to the Sonoma County Commission on the Status of Women for a term of two years effective November 8, 2013 to November 8, 2015. (First District)
31. Reappoint Mary Farrar to the Advisory Council to Area Agency on Aging, Sonoma County for a term of two years expiring December 10, 2015. (Second District)

#### **IV. REGULAR CALENDAR**

(Items 32 through 34)

##### **FAIRGROUNDS**

32. Adopt a Resolution approving the 2014 Budget (\$9,873,735) and the 2014 County of Sonoma Employee Position Allocation List, for Sonoma County Fair and Exposition, Inc. (SCF).

##### **COUNTY ADMINISTRATOR**

33. Receive a state legislative end of session report from the County's state legislative advocates, Paul Yoder and Karen Lange, of Peterson Consulting, Inc., and Shaw, Yoder, and Antwih; Approve the Sonoma County 2014 State and Federal Legislative Program to be used by County staff, legislative advocates, and the legislative delegation in efforts to seek policy support and acquire federal and state resources for County priorities; and adopt a Resolution supporting legislative action related to replica weapons.
34. Consider and approve actions from the November 5, 2013 Discussion on Community Healing following the Andy Lopez tragedy.

## **V. CLOSED SESSION CALENDAR**

(Item 35 through 42)

35. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Possible Initiation of Litigation re 2582 and 2600 Chileno Valley Road, Petaluma, CA. (Govt. Code section 54956.9(d)(4)).
36. The Board of Directors of the Agricultural Preservation and Open Space District will consider the following in closed session: Conference with Legal Counsel – Existing Litigation – Name of Case: Eckhart v. Sonoma County Agricultural Preservation and Open Space District, et al Sonoma County Superior Court Case No. SCV-252224 (Govt. Code Section 54956.9(d)(1)).
37. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Existing Litigation – Name of Case: County of Sonoma v. Ritter, et al. Sonoma County Superior Court No. SCV-252236 (Govt. Code Section 54956.9(d)(1)).
38. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Initiation of Litigation (Govt. Code Section 54956.9(d)(4)).
39. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Existing Litigation – Name of Case: Sonoma County, et al. v. CATS 4 U, Inc., et al Solano County Superior Court Case No. FSC041857 (Govt. Code Section 54956.9(d)(1)).
40. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Existing Litigation – Name of Case: Daren Heatherly, et al. v. County of Sonoma, et al., Northern District Court Case No. CV 13 4327 (Govt. Code Section 54956.9(d)(1)).
41. The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, and the Board of Directors of the Agricultural Preservation and Open Space District will consider the following in closed session: Conference with Labor Negotiator, Agency Negotiators: Wendy Macy/Carol Allen/ Janae Novotny, Burke & Associates, Carol Stevens, Burke & Associates, and Janet Cory Sommer, Burke & Associates. Employee organization: All. Unrepresented employees: All, including retired employees (Govt. Code Section 54957.6 (b)).
42. The Board of Supervisors will consider the following in closed session: Public Employee Appointment – Public Health Officer (Govt. Code Section 54957 (b)(1)).

## **VI. REGULAR AFTERNOON CALENDAR**

(Items 43 through 48)

### **2:00 P.M. - RECONVENE FROM CLOSED SESSION**

43. Report on Closed Session.
44. **PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA**  
(Comments are restricted to matters within the Board's jurisdiction. The Board will hear public comments at this time for up to thirty minutes. Please be brief and limit your comments to three minutes. Any additional public comments will be heard at the conclusion of the meeting.)
45. Permit and Resource Management Department: Review and possible action on the following:
- a) Acts and Determinations of Planning Commission/Board of Zoning Adjustments
  - b) Acts and Determinations of Project Review and Advisory Committee
  - c) Acts and Determinations of Design Review Committee
  - d) Acts and Determinations of Landmarks Commission
  - e) Administrative Determinations of the Director of Permit and Resource Management

### **PERMIT AND RESOURCE MANAGEMENT**

46. **2:10 P.M. – GENERAL PLAN AMENDMENTS**

**(A) PLP12-0005 – (FOURTH DISTRICT)**

- a) APPLICANT: 101 Partners and Nutrdine, c/o Paul Butler
- b) LOCATION: 101 Grant School Road, Healdsburg
- c) ASSESSOR'S PARCEL NO.: 086-030-017
- d) ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration
- e) REQUEST: Conduct a public hearing and request (1) a parcel specific General Plan Area Policy to allow an expanded facility; (2) a Use Permit for the expansion of an existing fish/pet food manufacturing facility on a 2.7 acre parcel.

**(B) PLP13-0034 – (FIRST DISTRICT)**

- a) APPLICANT: Gordon Holmes/Pursuit Enterprises LLC
- b) LOCATION: 3877 Trinity Road, Glen Ellen
- c) ASSESSOR'S PARCEL NO.: 053-051-001 (Portion)
- d) ENVIRONMENTAL DOCUMENT: Categorical Exemption
- e) REQUEST: Conduct a public hearing and request for: (1) A General Plan Amendment from the DA (Diverse Agriculture) 35 acre density designation to the RRD (Resources and Rural Development) 40 acre density land use designation; (2) an amendment to the North Sonoma Valley Specific Plan from the Resource Conservation, 40-100 acre density to the Resource Conservation, 20-40 acre density land use designation; and (3) a corresponding Zone Change from the DA (Diverse Agriculture), B6-35 acre density, SR (Scenic Resources) District to the RRD (Resources and Rural Development), B6-40 acre density, SR zoning district to fulfill a Condition of Approval for LLA12-0022 on 1.73 acre parcel.

REGULAR AFTERNOON CALENDAR (Continued)

47. **2:10 P.M. – PLP02-0072 AND ADA10-0005 – (SECOND DISTRICT)**
- a) APPLICANT: Novato Disposal Service Inc.
  - b) LOCATION: 2543 Petaluma Blvd. South, Petaluma
  - c) ASSESSOR'S PARCEL NO.: 019-220-046 (Formally 019-220-038)
  - d) ENVIRONMENTAL DOCUMENT: Subsequent Mitigated Negative Declaration\
  - e) REQUEST: Conduct concurrent public hearings to (1) Consider an appeal, ADA10-0005, of the Planning Commission's December 16, 2010 interpretation of allowed uses for Novato Disposal Service Inc., under PLP02-0072; and (2) Request for a modification of the use permit for a previously approved recycling facility (PLP02-0072 for Novato Disposal Service Inc.) to eliminate the previously permitted public recycling buy-back/drop off business, and portable toilet rental business, and used tire recycling, and a reduction in the maximum allowed 500 tons per day (TPD) of light processing recycling to 130 TPD of non-hazardous construction debris inert, and 140 TPD of single stream recycling materials, and 25 TPD of cardboard recycling (for a total reduction of 500 TPD down to 295 TPD of materials arriving on site) all within an existing building, on a 5.4 acre property. Following the above hearings, it is recommended the Board take two straw votes and then continue the item to January 14, 2014 on consent for adoption of final resolutions to: (1) Uphold the Appeal (ADA10-0005), setting aside the December 16, 2010 Planning Commission decision, on the grounds that the applicant has withdrawn the request and submitted a Use Permit modification application to allow the Board to more appropriately condition the project, and then (2) Adopt the Subsequent Mitigated Negative Declaration and approve the proposed Use Permit modifications to PLP02-0072 subject to the revised conditions of approval.

48. **ADJOURNMENTS**

**NOTE: The next regular meeting will be held on December 10, 2013 at 8:30 a.m.**

**Upcoming Hearings** (All dates tentative until each agenda is finalized)

- 1. December 10<sup>th</sup> (AM) – Acquisition real property necessary -Adobe Road Signal at E. Washington Street, Petaluma
- 2. December 10<sup>th</sup> (AM) – PLP09-0035; 4411 Porter Creek Road, Santa Rosa
- 3. December 10<sup>th</sup> (PM) – AGP12-0011; 422 Highway 1, Bodega Bay
- 4. December 10<sup>th</sup> (PM) – AGP12-0015; 4055 Middle Two Rock Road, Two Rock
- 5. December 10<sup>th</sup> (PM) – AGP12-0029; 4324 Spring Hill Road, Two Rock
- 6. December 10<sup>th</sup> (PM) – PLP12-0018; 10655 Mill Station Road and 2760 Sullivan Road
- 7. December 10<sup>th</sup> (PM) – AGP13-0004; 7700 Dry Creek Road, Geyserville
- 8. December 10<sup>th</sup> (PM) – AGP13-0003; 7850 Dry Creek Road, Geyserville





County of Sonoma  
Agenda Item  
Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 1**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

Supervisor Susan Gorin 565-2241

**Supervisorial District(s):**

First

**Title:** Gold Resolution

**Recommended Actions:**

Adopt a Gold Resolution congratulating Sonoma Valley Hospital on the opening of their new surgery center and emergency department

**Executive Summary:**

**Prior Board Actions:**

**Strategic Plan Alignment** Not Applicable

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        | County General Fund  | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

|   |   |                              |                              |
|---|---|------------------------------|------------------------------|
| <b>Narrative Explanation of Fiscal Impacts (If Required):</b>   |   |                              |                              |
|   |   |                              |                              |
| <b>Staffing Impacts</b>   |   |                              |                              |
| <b>Position Title</b><br>(Payroll Classification)               | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|   |   |                              |                              |
|   |   |                              |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b> |   |                              |                              |
|   |   |                              |                              |
| <b>Attachments:</b>   |   |                              |                              |
| Resolution  |   |                              |                              |
| <b>Related Items “On File” with the Clerk of the Board:</b>     |   |                              |                              |
|   |   |                              |                              |



# County of Sonoma

## State of California

Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

4/5 Vote Required

### **Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Congratulating Sonoma Valley Hospital on the Opening of their New Emergency Department and Surgery Center**

**WHEREAS**, Sonoma Valley Hospital is an integral part of the Sonoma Valley and is recognized for its commitment to the health and well-being of the community; and,

**WHEREAS**, Sonoma Valley Hospital began a legacy of service to the community in 1923 and in 1945, when the need for emergency and acute care exceeded the current capacity, the citizens of Sonoma came together to form the first Sonoma Valley Community Hospital Fund; and,

**WHEREAS**, the fund raised enough capital to move the facility and in 1946, the Sonoma Valley Health Care District was formed and to this day, owns and manages the hospital and staff on behalf of the residents of Sonoma Valley; and,

**WHEREAS**, in 1957, the hospital moved yet again to its current location on Andrieux Street to a building funded by the voters of the district and on land donated by August Sebastiani ; and,

**WHEREAS**, in 2008, the Sonoma Valley community stepped forward again to approve a \$35 million dollar bond to perform seismic retrofitting, fund new construction, and procure new equipment; and,

**WHEREAS**, concurrent to the bond approval, the Sonoma Valley Hospital engaged in a community campaign to raise an additional \$11 million to fund a new wing to include a technologically advanced surgical center and expanded emergency department ; and,

**WHEREAS**, Sonoma Valley Hospital opens the doors to its new wing on Saturday, November 16, 2013, with a new state-of-the-art Emergency Department and Surgery Center, formally named the Marcia and Gary Nelson Family Emergency Care Center; and,

**WHEREAS**, the Sonoma Valley Hospital is now poised to serve the community with greater care and efficacy with an expanded and modernized facility focused on patient comfort, increased patient privacy, and access to the latest technology; and,

**Now, Therefore, Be It Resolved** that the Board of Supervisors of Sonoma County hereby congratulates Sonoma Valley Hospital on the opening of their new Emergency Department and Surgery Center.

Resolution #

Date:

Page 2

**Supervisors:**

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**



County of Sonoma  
Agenda Item  
Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 2**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):**

**Staff Name and Phone Number:**

Supervisor Shirlee Zane, 565-2241

**Supervisorial District(s):**

Third

**Title:** Gold Resolution

**Recommended Actions:**

Approve a Gold Resolution commending Herb Loudon for being recognized as the United Veterans Council 2014 Veteran of the Year.

**Executive Summary:**

**Prior Board Actions:**

**Strategic Plan Alignment** Goal 4: Civic Services and Engagement

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        | County General Fund  | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

|   |   |                              |                              |
|---|---|------------------------------|------------------------------|
| <b>Narrative Explanation of Fiscal Impacts (If Required):</b>   |   |                              |                              |
|   |   |                              |                              |
| <b>Staffing Impacts</b>   |   |                              |                              |
| <b>Position Title</b><br>(Payroll Classification)               | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|   |   |                              |                              |
|   |   |                              |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b> |   |                              |                              |
| None.   |   |                              |                              |
| <b>Attachments:</b>   |   |                              |                              |
| Resolution  |   |                              |                              |
| <b>Related Items “On File” with the Clerk of the Board:</b>     |   |                              |                              |
| None.   |   |                              |                              |
|   |   |                              |                              |



County of Sonoma  
State of California

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Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

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4/5 Vote Required

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**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA,  
STATE OF CALIFORNIA, COMMENDING HERB LOUDEN FOR BEING RECOGNIZED  
AS THE UNITED VETERANS COUNCIL, 2014 VETERAN OF THE YEAR**

**WHEREAS**, Herb Louden was a Pharmacist Mate in the United States Navy; and

**WHEREAS**, Petty Officer Herb Louden was serving on the Naval Hospital Ship Solace on December 7, 1941; and

**WHEREAS**, in the days and months following the Japanese attack on Pearl Harbor, Petty Officer Louden gave great care to his wounded and dying shipmates; and

**WHEREAS**, following his return to civilian life, Herb Louden continued his record of exemplary service to his fellow Veterans through his involvement with the Pearl Harbor Survivors association; and

**WHEREAS**, Herb is 96 years young, and continues to remain active in the Sonoma County Veteran community; and

**WHEREAS**, Herb serves as the President of Pearl Harbor Survivors Chapter 23, and served as both the State and National Chaplain of the Pearl Harbor Survivors association; and

**WHEREAS**, Herb continues to care for his fellow Pearl Harbor Survivors and their families; and

**WHEREAS**, Herb has coordinated and conducted the poignant Sonoma County annual December 7<sup>th</sup> Memorial observance for many years; and

**WHEREAS**, 2014 will mark the last official Pearl Harbor Memorial observance sponsored by the Pearl Harbor Survivors Association, due to their rapidly declining membership.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Sonoma does hereby commend Herb Louden for his dedicated service to the veterans of Sonoma County, and their families, and thanks him for his effort, earning him recognition as the

Resolution #

Date:

Page 2

2014 Veteran of the Year.

**Supervisors:**

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**





County of Sonoma  
Agenda Item  
Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 3**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

Supervisor Mike McGuire, 565-3758

**Supervisorial District(s):**

Fourth District

**Title:** Gold Resolution

**Recommended Actions:**

Adopt A Gold Resolution Presenting Karl, Nancy, Will, and Brandy Seppi The Wetzel Community Leadership Award by the Healthcare Foundation Northern Sonoma County.

**Executive Summary:**

None

**Prior Board Actions:**

None

**Strategic Plan Alignment** Goal 4: Civic Services and Engagement

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        | County General Fund  | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

|   |   |                              |                              |
|---|---|------------------------------|------------------------------|
| <b>Narrative Explanation of Fiscal Impacts (If Required):</b>   |   |                              |                              |
|   |   |                              |                              |
| <b>Staffing Impacts</b>   |   |                              |                              |
| <b>Position Title</b><br>(Payroll Classification)               | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|   |   |                              |                              |
|   |   |                              |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b> |   |                              |                              |
|   |   |                              |                              |
| <b>Attachments:</b>   |   |                              |                              |
| Resolution  |   |                              |                              |
| <b>Related Items “On File” with the Clerk of the Board:</b>     |   |                              |                              |
|   |   |                              |                              |



# County of Sonoma

## State of California

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Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

---

4/5 Vote Required

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**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,  
Presenting Karl, Nancy, Will, and Brandy Seppi The Wetzel Community Leadership  
Award by the Healthcare Foundation Northern Sonoma County.**

**Whereas**, for two generations the Seppi family has shown a passionate interest and concern for the community in which they live and work through their dedicated and altruistic service to their community; and

**Whereas**, the Seppi family and Costeaux French Bakery have shown incredible dedication to improving the lives of countless children and families in the City of Healdsburg and all throughout northern Sonoma County; and

**Whereas**, Will Seppi was one of the first businesses to offer English language classes to his employees to better their lives and opportunities; and

**Whereas**, Brandy Seppi has provided scholarships to Healdsburg students in need; and

**Whereas**, Karl, Nancy, Will, and Brandy Seppi, through Costeaux French Bakery, have generously supported countless community events benefitting schools, clubs, service organizations, farm organizations, healthcare and community centers; and

**Whereas**, the Seppi family's hard work and commitment to building stronger communities is in line with the same spirit and values of the Wetzel Community Leadership Award.

**Now, Therefore, Be It Resolved**, that Karl, Nancy, Will, and Brandy Seppi are hereby presented with the prestigious Wetzel Community Leadership Award by the Healthcare Foundation Northern Sonoma County, in recognition of their tremendous philanthropy and service geared toward improving and enhancing the quality of life in Sonoma County now and for generations to come.

Resolution #

Date:

Page 2

**Supervisors:**

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**



County of Sonoma  
Agenda Item  
Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 4**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

Supervisor Mike McGuire, 565-3758

**Supervisorial District(s):**

Fourth District

**Title:** Gold Resolution

**Recommended Actions:**

Adopt A Gold Resolution Presenting Herb and Jane Dwight The Wetzel Community Leadership Award by the Healthcare Foundation Northern Sonoma County.

**Executive Summary:**

None

**Prior Board Actions:**

None

**Strategic Plan Alignment** Goal 4: Civic Services and Engagement

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        | County General Fund  | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

|   |   |                              |                              |
|---|---|------------------------------|------------------------------|
| <b>Narrative Explanation of Fiscal Impacts (If Required):</b>   |   |                              |                              |
|   |   |                              |                              |
| <b>Staffing Impacts</b>   |   |                              |                              |
| <b>Position Title</b><br>(Payroll Classification)               | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|   |   |                              |                              |
|   |   |                              |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b> |   |                              |                              |
|   |   |                              |                              |
| <b>Attachments:</b>   |   |                              |                              |
| Resolution  |   |                              |                              |
| <b>Related Items “On File” with the Clerk of the Board:</b>     |   |                              |                              |
|   |   |                              |                              |



# County of Sonoma

## State of California

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Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

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4/5 Vote Required

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**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,  
Presenting Herb and Jane Dwight The Wetzel Community Leadership Award by the Healthcare  
Foundation Northern Sonoma County.**

**Whereas,** Herb and Jane Dwight have shown their incredible dedication to improving the lives of countless children and families in Sonoma County; and

**Whereas,** Jane Dwight served on the Santa Rosa Symphony Board and has made significant contributions to enrich the musical lives of residents and students and bring outstanding classical, pop and creative musical experiences to our community; and helped build and complete the Green Music Center as a musical center for all to enjoy; and

**Whereas,** Herb and Jane Dwight envisioned, designed and created the Pepperwood Preserve and donated this pristine Sonoma County property back to the residents of Sonoma County to enjoy; and

**Whereas,** The Dwight Innovation Center of Pepperwood Preserve provides for innovative research on conservation, land management and ecological studies; and

**Whereas,** Herb and Jane Dwight have provided essential early leadership to the Healthcare Foundation Northern Sonoma County Capital Campaign for Healdsburg District Hospital; and

**Whereas,** Herb and Jane Dwight have shown a passionate interest and concern for education by providing scholarships to Sonoma County students; and

**Whereas,** Herb and Jane Dwight's hard work and commitment to building stronger communities is in line with the same spirit and values of the Wetzel Community Leadership Award.

**Now, Therefore, Be It Resolved,** that Herb and Jane Dwight are hereby presented with the prestigious Wetzel Community Leadership Award by the Healthcare Foundation Northern Sonoma County, in recognition of their tremendous philanthropy and service geared toward improving and enhancing the quality of life in Sonoma County now and for generations to come.

Resolution #

Date:

Page 2

**Supervisors:**

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**





## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 5**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Directors, Sonoma County Water Agency

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Sonoma County Water Agency

**Staff Name and Phone Number:**

Kevin Campbell 547-1921

**Supervisorial District(s):**

Second

**Title:** Right of Way Contract with the California Department of Transportation – McDowell Creek

### **Recommended Actions:**

1. Authorize the Chair to execute a Right of Way Contract and Grant Deed with the State of California Department of Transportation for the granting of portions of the Water Agency fee property and a temporary construction easement;
2. Authorize the General Manager to file a Notice of Determination in accordance with the California Environmental Quality Act.

### **Executive Summary:**

This item involves the granting of a portion of fee property and a temporary construction easement by the Sonoma County Water Agency (Water Agency) to allow the State of California Department of Transportation (Caltrans) to construct improvements to Highway 101 as a part of Caltrans' Novato Narrows Widening Project. The Water Agency owns certain real property (Assessor's Parcel Number 005-060-034) within which the Water Agency maintains and operates the McDowell Creek Channel Improvement (Flood Control Channel).

#### History Of Item/Background

The Water Agency owns and operates the Flood Control Channel that runs adjacent to and contiguous with the Caltrans Highway 101 freeway. Caltrans is proposing to construct the Route 101 Marin-Sonoma Narrows High Occupancy Vehicle Widening Project (Project) that will add an additional lane to the freeway.

On June 12, 2012, the Board approved authority for the Chair to execute a Right of Way Contract for the granting of a permanent easement together with a temporary construction easement for construction of Caltrans' Project. After Caltrans received the executed Right of Way Contract and Easement Deed provided by Caltrans, Caltrans discovered that their Right of Way Contract and Easement Deed should have been for the granting of fee property as opposed to a permanent easement. Caltrans has now

requested that the Water Agency grant to Caltrans a portion of the Flood Control Channel in fee to construct and maintain the portion of the Project located on Water Agency-owned property together with a temporary construction easement over the Water Agency's access/service road that exists parallel to the Project Area.

Caltrans prepared an appraisal for just compensation of the property rights proposed to be acquired by Caltrans. The appraisal established just compensation at \$12,000. Water Agency staff reviewed the appraisal and agreed with Caltrans opinion of value for just compensation for the grant of fee property and temporary construction easement; however, Water Agency staff is of the opinion that in addition to the value of the fee property that Caltrans should reimburse the Water Agency for the cost to execute the Right of Way contract. The cost to the Water Agency to process and execute the Right of Way contract is estimated at \$10,000.

Caltrans has completed environmental documentation in accordance with the California Environmental Quality Act for the Project. Caltrans prepared an Environmental Impact Report/Environmental Impact Statement, which addresses the potential impacts related to the Project and measures to mitigate adverse effects of the Project. With the incorporation of the mitigation measures established by the Caltrans, the Project would not have an adverse impact on the environment. Caltrans approved the Highway 101 High Occupancy Vehicle Lane Widening and Improvements Project on July 21, 2009. Caltrans filed a Notice of Determination for the Project on July 23, 2009. On October 29, 2009, a Record of Decision for the Project was executed by the United States Department of Transportation Federal Highway Administration for the Route 101 Marin-Sonoma Narrows High Occupancy Vehicle Widening Project. The easement also has met all the requirements of Government Code, Section 65402, for General Plan consistency.

The Water Agency has prepared a Notice of Determination in accordance with the California Environmental Quality Act, the State California Environmental Quality Act Guidelines, and the Water Agency's Procedures for the Implementation of California Environmental Quality Act as a responsible agency under California Environmental Quality Act. The Notice of Determination states that based on the Environmental Impact Report/Environmental Impact Statement prepared by Caltrans, the execution of the grant deed and temporary construction easement would not have a significant adverse impact on the environment.

Section 9 of the Agency Act states that the Water Agency may convey an easement to other public agencies, by a four-fifths vote of the Board, after the Board has considered such conveyance as a scheduled agenda item at not less than two of its regularly scheduled meetings. However, where, as here, conveyance to another public agency is proposed to be made in lieu of the institution of eminent domain proceedings against the Water Agency, the conveyance may be made without following the usual statutory procedures. Conveyance under section 9 of the Agency Act would be appropriate in any event, as the conveyance of the property will not adversely affect the Water Agency in any respect.

**Prior Board Actions:**

06/12/13 Board Action Authorized Chair to execute Right of Way contract for Permanent Easement

**Strategic Plan Alignment**      Goal 3: Invest in the Future

Item supports County goal of investing in the future by providing the State of California with Right of Way needed to improve existing Highway 101 infrastructure.

Water Agency Flood Control Goals and Strategies, Goal 1:  
Maintain, operate, and modify flood protection facilities to meet current and future public needs.

**Fiscal Summary - FY 13-14**

| <b>Expenditures</b>       |                  | <b>Funding Source(s)</b> |                  |
|---------------------------|------------------|--------------------------|------------------|
| Budgeted Amount           | \$ 22,000        | Water Agency Gen Fund    | \$ -0-           |
| Add Appropriations Req'd. | \$               | State/Federal            | \$ 22,000        |
|                           | \$               | Fees/Other               | \$               |
|                           | \$               | Use of Fund Balance      | \$               |
|                           | \$               | Contingencies            | \$               |
|                           | \$               |                          | \$               |
| <b>Total Expenditure</b>  | <b>\$ 22,000</b> | <b>Total Sources</b>     | <b>\$ 22,000</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

The value of the easement was appraised at \$12,000. Caltrans has agreed to pay the appraised amount and to reimburse \$10,000 of the Water Agency's staff cost for processing of the granting of easement.

**Staffing Impacts**

| <b>Position Title</b><br>(Payroll Classification) | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|---|---|------------------------------|------------------------------|
|   |   |                              |                              |
|   |   |                              |                              |

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

N/A

**Related Items "On File" with the Clerk of the Board:**

Right of Way Contract (4 Copies); Grant Deed (3 Copies); Notice of Determination (1 Copy)



# County of Sonoma Agenda Item Summary Report

**Agenda Item Number: 6**

(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Directors, Sonoma County Water Agency

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Sonoma County Water Agency

**Staff Name and Phone Number:**

Eric Wilhelm / 524-1172

**Supervisory District(s):**

All Districts

**Title:** As-Needed Systems Applications and Products Programming and Support Services

## **Recommended Actions:**

Authorize Chair to execute an agreement with Utegration, Inc. to provide as-needed Systems Applications and Products (SAP) programming and support services (\$200,000; agreement terminates on 12/31/2014).

## **Executive Summary:**

This item requests approval for the Chair to execute an agreement with Utegration, Inc. (\$200,000 through 12/31/2014) for as-needed Systems Applications and Products (SAP) programming and support services.

## HISTORY OF ITEM/BACKGROUND

The Sonoma County Water Agency (Water Agency) uses a Systems Applications and Products product for its enterprise resource planning platform, which inter-operates with other Sonoma County enterprise resource planning systems.

The Water Agency requires assistance maintaining and developing the Systems Applications and Products enterprise resource planning system. Consulting services needed include, but are not limited to, software maintenance and upgrades, training, documentation, emergency services, data migration and change management.

With County financial system upgrades underway, the Water Agency requires the assistance of a qualified consulting firm to implement upgrades and changes in a timely fashion while adhering to industry best practices.

## SELECTION PROCESS

In September 2013, the Water Agency issued a Request for Qualifications to three firms, and received responses from each of these firms:

1. HPC America - San Ramon, CA
2. Sparta Consulting - Folsom, CA
3. Utegration - Houston, TX

Firms were evaluated for: responsiveness to work requirements; professional qualifications and overall performance commitment; demonstrated ability to perform the work in accordance with good practices common to the industry; and cost.

Utegration, Inc. (Consultant) was selected to perform the work because Consultant is a Systems Applications and Products channel partner with extensive experience supporting utility clients across the United States. They can assist the Water Agency with making necessary changes and enhancements to integrate not only with the new County financial systems but also integrating financial data with Asset Management and Computerized Maintenance Management systems.

**SERVICES TO BE PERFORMED**

Under the proposed Agreement, the Consultant will provide as-needed programming and support services of the Systems Applications and Products system (such as system integration, consultation, design, report preparation, and investigations and recommendations), maintenance of and upgrades to the production environment, training, documentation, emergency services, data migration, project management, and change management.

The cost of services will not exceed \$100,000 in fiscal year 2013/2014, and \$100,000 in fiscal year 2014/2015; the term end date is December 31, 2014. The total agreement amount is \$200,000.

**Prior Board Actions:**

None.

**Strategic Plan Alignment** Goal 3: Invest in the Future

The purpose of this project is to continue to develop new, more efficient processes that fully leverage the Water Agency’s technology investments and provide easy access to data and information without compromising security and regulatory requirements.

Water Agency Organizational Goals and Strategies, Goal 5: Enhance workforce capabilities.

**Fiscal Summary - FY 13-14**

| <b>Expenditures</b>       |                   | <b>Funding Source(s)</b> |                   |
|---------------------------|-------------------|--------------------------|-------------------|
| Budgeted Amount           | \$ 100,000        | Water Agency Gen Fund    | \$ 100,000        |
| Add Appropriations Req'd. | \$ -0-            | State/Federal            | \$ -0-            |
|                           | \$                | Fees/Other               | \$ -0-            |
|                           | \$                | Use of Fund Balance      | \$ -0-            |
|                           | \$                | Contingencies            | \$ -0-            |
|                           | \$                |                          | \$                |
| <b>Total Expenditure</b>  | <b>\$ 100,000</b> | <b>Total Sources</b>     | <b>\$ 100,000</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

Fiscal year 2013/2014 appropriation of \$100,000 is from the Water Agency General Fund. Fiscal year 2014/2015 appropriation of \$100,000 will be budgeted in that fiscal year.

| <b>Staffing Impacts</b>   |   |                              |                              |
|---|---|------------------------------|------------------------------|
| <b>Position Title</b><br>(Payroll Classification)               | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|   |   |                              |                              |
|   |   |                              |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b> |   |                              |                              |
| None.   |   |                              |                              |
| <b>Attachments:</b>   |   |                              |                              |
| None.   |   |                              |                              |
| <b>Related Items “On File” with the Clerk of the Board:</b>     |   |                              |                              |
| Agreement (4 Copies)  |   |                              |                              |

DT:\FILESERVER\Data\CL\Agenda\agrees\12-03-2013 WA SAP Programming and Support Services\_summ.docm CF/0-0-21 Utegration, Inc. (Agree for As-Needed SAP Programming and Support Services) TW 13/14-020 (ID 4803)



# County of Sonoma Agenda Item Summary Report

**Agenda Item Number: 7**

(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Directors, Sonoma County Water Agency and All County Sanitation Districts

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority and 2/3 - SVCSD

**Department or Agency Name(s):** Sonoma County Water Agency and All County Sanitation Districts

**Staff Name and Phone Number:**

Vic Swift / 547-1975

**Supervisory District(s):**

All Districts

**Title:** 2013 Sanitation Codes Update Adoption

## **Recommended Actions:**

Adopt an Ordinance updating amendments to the Sanitation Code Ordinances of the Sonoma County Water Agency and all County Sanitation Districts (Second Reading –Ready for Adoption).

## **Executive Summary:**

This item was introduced and a public hearing was held on this item November 12, 2013, and is now ready for adoption. This item recommends adopting the 2013 Sanitation Code Updates and the newspaper posting of Sanitation Ordinance Amendments Summary of the Sonoma County Water Agency and all Sanitation Districts a maximum of 15 days following adoption.

## **HISTORY OF ITEM/BACKGROUND**

The last overall update to the Sanitation Ordinances was in March of 2009, followed by a minor update in February of 2011 to update the Delegation of Authority to the Sonoma County Water Agency's (Water Agency) General Manager and Chief Engineer as a result of the Water Agency General Manager/Chief Engineer position being divided into two separate positions. Since the 2009 overall updates, there have been regulatory changes which require new programs and the definition of new terms, new situations have arisen, new technology and ways of application have emerged, typographical errors have been found, new and more efficient methods of coordinating with the public and providing services are needed, and it has been determined by Agency maintenance, operations, and design staff, and by County Counsel, that the Sanitation Ordinances need various amendment updates to address these issues. If these amendments are not approved, the various clarifications to terms and applications, new programs and attendant definitions, the correction of typographical errors, and the upgrades to conform to more efficient practices and to new regulations, will not be made to the Sanitation Ordinances.

The first reading of the proposed amendments to the Sanitation Code by the concurrent Boards occurred on November 12, 2013. This December 3, 2013, concurrent Boards meeting will be the second reading and time of adoption of the amendments to the Sanitation Codes.

In particular, the modifications will do the following:

**For the Water Agency and its associated Sanitation Zones (Airport-Larkfield-Wikiup, Geyserville, Penngrove, and Sea Ranch), and County Sanitation Districts (Occidental, Russian River, Sonoma Valley, and South Park):**

1. Table of Contents are modified to change Page Numbers.
2. Section 1.02 "Rules and Regulations" is modified to correct grammar.
3. Section 1.06 "Relief of Variance Application" is modified to require that Variance request applications be addressed to the Water Agency General Manager instead of to the Board; the General Manager is authorized to deny variance requests, and such denials are subject to appeal by the requestor to the Board; variance requests which the General Manager does not object to must still be brought to the Board for Approval.
4. Section 2.01 "Definitions" is modified to provide clarification of various terms and applications of terms, to delete terms that no longer pertain, to correct typographical errors, and to add new terms, definitions, and applications.
5. Section 3.06 "Sewer Required" is modified to clarify that pretreatment systems may be constructed between the building and the connection to a public sewer main.
6. Section 3.09 "Each Unit to Have a Sewer Lateral" is modified to clarify terms and application for residential condominiums, auxiliary structures, and second dwelling units to be allowed to connect to a single sewer lateral.
7. Section 3.25 "Sewer Service For A Single Structure" is modified to allow General Manager, or General Manager's delegated staff, to allow side sewers to cross over an adjoining parcel under certain conditions and a written finding documenting the physical constraints, technical feasibility issues, and or safety concerns, and provided that a permanent property interest is obtained for the side sewer from the adjoining parcel owner.
8. Section 3.26 "Sewer Service for Two or More Structures" is modified to refer to exceptions that are applicable and which are specified in other sections of the Sanitation Code.
9. Section 3.31 "Agreements with Other Agencies for Sanitation Service" is modified to allow contracting with a person or other entity in addition to other districts, cities, or governmental agencies, and clarify wording regarding the requirement that sufficient capacity be available.
10. Section 4.20 "Approval Requirement – Closed Circuit Television" is modified to expand applicability to side sewers as well as sewer mains, delete reference to preparation method and repair requirements and instead refer to the Agency's Design Standards requirements.
11. Section 6.05 "Prohibited Substances or Characteristics," Item "M" is modified to specify the types of grease waste which are prohibited and to include trap waste as prohibited from being hauled to a facility..
12. Section 6.15 "Responsibility of Users" is modified to update terms and to expand what may be required to be installed.
13. Section 6.16 "User Classifications (Categories)," Items "3." and "4." are modified to update terms, and to add clarification of application.
14. Section 6.18 "Acceptance of Wastewater from Cleanup Projects," is modified to change a delegation of authority for submittal of information from the General Manager to the Agency's/District's Environmental Services Inspector or Water Agency Coordinator - Environmental Services for a decision on whether to issue a temporary discharge permit.
15. Section 6.27 "Wastewater Discharge Permit Fees" Item "D. Permit Monitoring and Inspection Fee" is modified to clarify application.
16. Section 6.32 "Periodic Compliance Reports" is modified to shorten the period for submittal of laboratory and other reports from 45 to 15 days.
17. Section 9.01 "Permissible Waste Hauler Discharges," is modified to allow trucked-in waste meeting



the requirements of the Agency's/District's treatment plants from anywhere within Sonoma County to be discharged at any of the Agency's/District's treatment plants pursuant to the Agency's/District's waste hauler program.

18. Section 9.02 "Waste Hauler Discharge Permit:" Section 9.02.A "Permit Term" is modified to change the authority to issue waste hauler discharge permits from staff to the General Manager or the General Manager's delegated staff, increase the period of initially issued waste hauler permits and renewal of such permits from 1 to 2 years, and to specify a 90 day period to apply for a renewal; Section 9.02.B "Permit Conditions" is modified to change the authority prescribed requirements to ensure carrying out of the purpose and policies of the waste hauler ordinance from staff to the General Manager or the General Manager's delegated staff; Section 9.02.C "Denial, Revocation, or Suspension of Permit" is modified to change the section title to "Modification, Denial, Revocation, or Suspension of Permit," to specify that the terms of the permit are subject to modification during the term of the permit, to add conditions under which a waste hauler permit may be denied, revoked, or suspended to include violation of federal or state permit requirements or unavailability, and including when the waste receiving station is unavailable or out of service, or incompatibility of the waste material.
19. Section 9.03 "Security Cash Deposit" is modified to clarify procedure for return of the security deposit.
20. Section 9.06 "Regulation of Procedures" is modified to add designation of discharge location as a subject of waste hauler program procedure.
21. Section 9.08 "Sonoma County Limitation" is modified to enlarge the limitation area for hauling wastewater from the District or Zone Boundary to all of Sonoma County.
22. Section 10.01 "Grease Traps and Oil and Sand Interceptors" is modified to clarify the minimum size of grease traps, provide authority to the General Manager to delegate certain approvals to staff, and to add reference to enzymes or additives as prohibited agents used to dissolve grease or oil.

**Additional Amendments For Only The Sonoma Valley County Sanitation District:**

1. Table of Contents is modified to add new Article XI "MERCURY REDUCTION PROGRAM".
2. Section 1.02 "Rules and Regulations" is modified to include the application of retroactively with respect to sewer use as set forth in Article XI "Mercury Reduction Program."
3. Section 2.01 "Definitions" is modified to correct typographical errors, to provide clarification in various terms and applications of terms, and to add new definitions and applications related to the new "Mercury Reduction Program."
4. Article XI "Mercury Reduction Program" is added to provide a program for addressing mercury waste from dental offices which currently is passed on through the discharge from the Sonoma Valley County Sanitation District's wastewater treatment plant into the environment.

**Additional Amendments For Only The South Park County Sanitation District:**

1. Section 1.02 "Rules and Regulations" is modified to allow the Board of Directors or the General Manager to accept compliance with the City of Santa Rosa's requirements for new and existing sewer service wastewater contributors to the South Park County Sanitation District's collection systems, upon a finding that the City's requirements, together with any additional conditions if determined by the Board of Directors or the General Manager to be necessary, are adequate to protect public health and the environment within the District.

**Additional Amendments For Only the Sonoma County Water Agency and Its Associated Sanitation Zones, Occidental County Sanitation District, Sonoma Valley County Sanitation District, and South Park County Sanitation District:**

1. Section 3.04 “Unlawful Disposal” currently does not allow on-site treatment and disposal of sewage within the Boundaries of Sanitation Zones and Districts, even if the nearest public sewer main is greater than 300 feet away and inaccessible due to existing physical constraints. Modifications will: a) continue to not allow existing Onsite Wastewater Treatment Systems (Systems) not conforming to County requirements to be constructed or maintained; (b) allow existing Systems that meet County requirements to be maintained and repaired, and to be replaced without increasing capacity in conformance with County requirements; (c) allow new Systems greater than 300 feet from the nearest public sewer main, and which do not increase capacity, to be constructed and maintained in compliance with current County requirements upon a written finding by the General Manager, or the General Manager’s delegated staff, documenting either economic hardship, technical infeasibility, or both, and the signing and recording, at the applicant’s expense, an agreement stating that the existing System will be demolished and the structure(s) will be connected to public sewer when the new public sewer is within 300 feet of the structure(s) being served. Graywater systems, and other Alternate Water Source systems, are not subject to this Section 3.04.

**Prior Board Actions:**

11/12/2013: Introduced the Sanitation Codes 2013 Update and held a public hearing.  
03/03/2009: Approved an overall update of the Sanitation Ordinances.  
02/23/2010: Updated the Delegation of Authority to the Water Agency General Manager and the Water Agency Chief Engineer.

**Strategic Plan Alignment** Goal 1: Safe, Healthy, and Caring Community

The subject action meets the County Strategic Plan Goal 1, Safe, Healthy and Caring Community, by continuing to allow the County Sanitation Districts and Sanitation Zones to meet or exceed environmental regulations and public health standards and by providing more efficient methods of serving the public.

Water Agency Sanitation Goals and Strategies, Goal 1: Meet or exceed environmental regulations and public health standards. The subject action meets the Water Agency Sanitation Goal 1, meet or exceed environmental regulations and public health standards, by providing more efficient methods to serve the public.

**Fiscal Summary - FY 13-14**

| <b>Expenditures</b>         |               | <b>Funding Source(s)</b> |               |
|-----------------------------|---------------|--------------------------|---------------|
| Budgeted Amount             | \$ -0-        | Water Agency Gen Fund    | \$ -0-        |
| Add Appropriations<br>Reqd. | \$ -0-        | State/Federal            | \$ -0-        |
|                             | \$            | Fees/Other               | \$ -0-        |
|                             | \$            | Use of Fund Balance      | \$ -0-        |
|                             | \$            | Contingencies            | \$ -0-        |
|                             | \$            |                          | \$            |
| <b>Total Expenditure</b>    | <b>\$ -0-</b> | <b>Total Sources</b>     | <b>\$ -0-</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

None.

**Staffing Impacts**

| <b>Position Title</b><br>(Payroll Classification) | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|---|---|------------------------------|------------------------------|
|   |   |                              |                              |
|   |   |                              |                              |

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

- 1) Underline/Strikeout Version of Proposed Amendments to the Sanitation Ordinances (A1)
- 2) Amended Sanitation Ordinance (A2)

**Related Items "On File" with the Clerk of the Board:**

Summary of Amendments

DT:fileserver\data\design\vhs\FILESERVER\Data\CL\Agenda\ordinances\Sanitation Code & Revisions\2013 Sanitation Code\12-03-2013 WA 2013 Sanitation Codes Update  
Adoption\_summ.docm

CF/70-700-30 Ordinances (ID 1791)

**[San Code Amendments – Underline and ~~Strikeout~~ Version]**

SONOMA COUNTY WATER AGENCY ORDINANCE NO. \_\_\_  
OCCIDENTAL COUNTY SANITATION DISTRICT ORDINANCE NO. \_\_\_  
RUSSIAN RIVER COUNTY SANITATION DISTRICT ORDINANCE NO. \_\_\_  
SONOMA VALLEY COUNTY SANITATION DISTRICT ORDINANCE NO. \_\_\_  
SOUTH PARK COUNTY SANITATION DISTRICT ORDINANCE NO. \_\_\_

AMENDMENTS TO THE SANITATION CODE ORDINANCES OF THE SONOMA COUNTY WATER AGENCY, OCCIDENTAL COUNTY SANITATION DISTRICT, RUSSIAN RIVER COUNTY SANITATION DISTRICT, SONOMA VALLEY COUNTY SANITATION DISTRICT, AND SOUTH PARK COUNTY SANITATION DISTRICT, TO (1) CLARIFY TERMS, APPLICATION OF TERMS, AND RESPONSIBILITIES OF THE GENERAL MANAGER, AND MODIFIES VARIANCE APPLICATION PROCEDURES; (2) ADD, MODIFY, AND DELETE CERTAIN DEFINITIONS, AND CORRECT TYPOGRAPHICAL ERRORS AND PUNCTUATION; (3) CLARIFY REQUIREMENTS AND APPLICATION OF THE ORDINANCES TO ONSITE WASTEWATER TREATMENT SYSTEMS; (4) ADD AND/OR MODIFY PROCEDURES FOR COMPLYING WITH SPECIFIED REQUIREMENTS; (5) ALLOW THE AGENCY AND DISTRICTS TO CONTRACT WITH NON-GOVERNMENTAL ENTITIES FOR WASTEWATER AND INDUSTRIAL WASTE MANAGEMENT AND DISPOSAL SERVICES; (6) CLARIFY TYPES OF WASTES THAT ARE PROHIBITED FROM BEING TRANSPORTED TO AGENCY/DISTRICT FACILITIES; (7) REVISE INFORMATION REQUIRED ON FORMS AND AUTHORIZE REQUIREMENT OF ADDITIONAL PLUMBING; (8) CHANGE DESIGNATION OF AUTHORIZED PERSONNEL; (9) CHANGE REQUIREMENTS AND PROCEDURES REGARDING COMPLIANCE SAMPLING, ANALYSIS AND REPORTING; (10) CHANGE PERMIT TERM, AND PERMIT PROVISIONS REGARDING MODIFICATION, DENIAL, REVOCATION OR SUSPENSION OF PERMITS; (11) CHANGE WASTE HAULER REQUIREMENTS AND CHANGE AREA FROM WHICH WASTE MAY BE HAULED TO INCLUDE ALL OF SONOMA COUNTY; (12) CHANGE REQUIREMENT FOR SIZING OF GREASE TRAPS AND PROVIDE SPECIFIED PROHIBITIONS; (13) ADD NEW SECTION “ARTICLE XI – MERCURY REDUCTION PROGRAM” TO ONLY THE SONOMA VALLEY COUNTY SANITATION DISTRICT SANITATION CODE; AND (14) MODIFY ARTICLE I, SECTION 1.02 “RULES AND REGULATIONS” OF ONLY THE SOUTH PARK COUNTY SANITATION DISTRICT SANITATION CODE TO ALLOW USE OF CITY OF SANTA ROSA SANITATION STANDARDS.

The Boards of Directors of the Sonoma County Water Agency (Agency) and the County Sanitation Districts (Districts), County of Sonoma, do ordain as follows:

**SECTION I**

The Sonoma County Water Agency Sanitation Code Ordinance is amended to read:

A. Section I – Table of Contents is amended to read:

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| ARTICLE I    | GENERAL PROVISIONS.....I.....  | 1    |
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| ARTICLE X    | GREASE, OIL, AND SAND INTERCEPTOR PROGRAM.....                         | 7475 |

B. Specified sections of Article I – General Provisions are amended to read:

**SECTION 1.02 – RULES AND REGULATIONS:** The following rules and regulations setting forth uniform requirements for wastewater contributors to the Agency’s collection, treatment, and disposal systems; establishing terms and conditions for new and existing sewer services; and providing the policy and direction for the design, inspection, and construction of all sanitation works to be accepted, owned, and operated by the Agency, are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise, unless modified and adopted by ordinance or resolution, as applicable, by the Board of Directors of the Agency.

With respect to installation, alteration, or repair of sewer facilities, this Ordinance shall not, except as otherwise provided herein, apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein. However, this Ordinance shall apply retroactively with respect to sewer use as set forth in Articles VI, IX, and X.

**SECTION 1.06 – RELIEF ON VARIANCE APPLICATION:** When any person by reason of special circumstances is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his/her premises, he/she may make written application of a variance to the ~~Board~~ General Manager, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his/her premises.

Upon receipt of such variance application, the General Manager shall review the application. If the General Manager does not object to the granting of a variance, the General Manager~~Board~~ shall set the matter for a hearing before the Board as soon as practicable after review of the application and in accordance with Board procedures, and at its next regular meeting giving give written notice thereof to the applicant. If the General Manager objects to the granting of a variance, the General Manager shall provide a written denial to the applicant. The applicant may appeal the denial to the Board by providing a written appeal to the General Manager within fourteen (14) days after receipt of the General Manager's written denial. Failure to appeal within this time frame shall constitute a waiver of the right to appeal. The appeal should include the applicant's arguments in support of the appeal. The General Manager shall then set the matter for hearing before the Board as soon as practicable in accordance with Board procedures. Whenever, in the judgment of the Board, it is unnecessary or unjust to require compliance with any provision of this title, the Board may grant a variance therefrom. In granting any such variance, the Board may impose any condition it determines is just and proper and will secure substantially the general objectives of this title. The application fee shall ~~be established by separate ordinance and shall not exceed the administrative costs for processing the variance application and shall be calculated by the Agency and paid for by the applicant prior to the date of the Board hearing.~~ Pending the hearing before the Board, the decision of the General Manager shall remain in full force and effect until acted on by the Board.

However, if such application is approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the variance application approved by the Board, but only to the extent compatible with State and Federal laws, rules, and regulations pertaining to wastewater facilities.

C. Specified sections of Article II – Definitions and Abbreviations are amended, deleted, or added to read:

**SECTION 2.01 – DEFINITIONS:**

Building Sewer shall mean that portion of any sewer beginning at a point two (2) feet outside the foundation line of any building and running to the property line, public

road/street right-of-way line, sewer easement right-of-way line, or to a private sewage disposal onsite wastewater treatment system.

Domestic Wastewater shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans. Domestic wastewater shall be of such character as to permit satisfactory disposal, without special treatment, into the public sewer system or by means of a private disposal onsite wastewater treatment system. For the purpose of this definition, domestic wastewater shall have a BOD and suspended solids concentration of 300 milligrams per liter or less.

Environmental Compliance Inspector shall mean any person, delegated by the General Manager, who conducts inspections and investigations of commercial and industrial facilities to ensure protection of the environment and compliance with Agency, local, state, and federal regulations.

~~Industrial Waste Inspector shall mean any person, delegated by the GM, who conducts inspections and investigations of industrial pretreatment facilities to ensure protection of the environment and compliance with agency, local, state, and federal regulations.~~

Onsite Wastewater Treatment System(s) shall mean individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal. The short form of the term may be singular or plural. OWTS do not include “graywater” systems pursuant to Health and Safety Code Section 17922.12.

Pollution Prevention shall mean any action which causes a net reduction in the generation of hazardous and/or non-hazardous waste, and may also include any steps taken (a) before a hazardous waste is generated to lessen the properties which cause the waste to be classified as hazardous, or (b) to reduce pollutant loadings from all process discharges prior to disposal to a POTW.

Significant Noncompliance (SNC) shall mean any violation of pretreatment standards or requirements as defined in 40 CFR 403.8(f)(2)(vii)(viii). SNC includes, but is not limited to, instances of chronic violations of wastewater discharge limits, slug discharges, violations of compliance schedule milestones, failure to provide compliance data, failure to follow Best Management Practices (BMPs), failure to accurately report noncompliance, or any other violation or group of violations.

Source Reduction - See ~~Waste Minimization~~ Pollution Prevention

Trunk Sewer Main – A Main Sewer to which no Lateral Sewers are allowed to connect. Only Main Sewers can connect to a Trunk Sewer Main. All connections to a Trunk Sewer Main shall be at a manhole.

~~Waste Minimization (Pollution Prevention) shall mean any action which causes a net reduction in the generation of hazardous and non-hazardous waste, and may also include any steps taken (a) before a hazardous waste is generated to lessen the properties which cause the waste to be classified as hazardous, or (b) to reduce pollutant loadings from all process discharges prior to disposal to a POTW.~~

### **SECTION 2.03 – ABBREVIATIONS:**

OWTS                      Onsite Wastewater Treatment System(s)

D. Specified sections of Article III – General Conditions For Sewer Service are amended to read:

**SECTION 3.04 – UNLAWFUL DISPOSAL:** ~~Except as herein provided, it shall be unlawful to construct or maintain within the Agency boundaries any privy, privy vault, cesspool, seepage pit, or any other type of Onsite Wastewater Treatment System facility intended or used for the disposal of sewage that is not in compliance with current County requirements for on-site wastewater treatment systems.~~

Existing on-site wastewater treatment systems within the Agency boundaries that meet County Code requirements for new systems or for which continued use is allowed under County requirements, may be maintained or repaired as authorized by County requirements, or replaced in the same location or another County approved location, but may not be expanded to add capacity. Any replacement of such systems must be with a system that meets current County Code requirements for new systems.

Graywater systems, and other Alternate Water Source systems, as defined in Chapter 16 of the California Plumbing Code, and complying with current County requirements, are not subject to this Section 3.04.

New on-site wastewater treatment systems may be constructed and maintained within the Agency boundaries under the following conditions:

1. The facilities shall be in compliance with current County requirements and not increase capacity, and
2. The facilities shall be constructed under a permit issued by the Sonoma County Permit and Resource Management Department, and
3. The structure to be served is, or would be, more than 300 feet from a property line fronting a sewer main, and
4. The applicant shall sign and record, at the applicant's expense, an agreement with the Agency stating that when a new future public collector main sewer is constructed



within a public right-of –way to within 300 feet of the structure(s), the owner of the structure(s) shall at their expense, obtain permits from the Sonoma County Permit and Resource Management Department, disconnect from, and abandon, the existing on-site system and reconnect to the new public collector main sewer in accordance with the Agency Standards, and

5. The General Manager, or the General Manager's delegated staff, shall issue a written finding of infeasibility of making connection to a public main sewer, the basis for the finding of infeasibility, and with a statement of not objecting to the Sonoma County Permit and Resource Department's issuance of a permit to allow construction of an on-site septic treatment and disposal facility conforming to County Standards. The finding of infeasibility shall be based on documentation provided by the Applicant demonstrating either economic hardship, technical infeasibility, or both.

**SECTION 3.06 - SEWER REQUIRED:** The owner of any building situated within the Agency boundary and abutting on any street in which there is now located or may in the future be located a public sewer of the Agency is hereby required at his or her expense to connect said building directly with the proper public sewer, unless the building will discharge to the public sewer through a pretreatment system approved by the Agency in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, and provided that said public sewer is within three hundred (300) feet of the building.

**SECTION 3.09 - EACH UNIT TO HAVE SEWER LATERAL:** No sewer lateral shall be installed or provided for more than one living unit, commercial unit, or agricultural or industrial enterprise. However:

- A. The following facilities may be allowed to be served by a common sewer lateral upon receipt of a written request from the applicant:
1. A duplex, apartment, or other multiple-unit residential structure in undivided ownership.
  2. A commercial or industrial structure in undivided ownership where use areas are not enclosed by permanent walls, provided that process and domestic wastestream would not comingle prior to the designated sampling point.
  3. A structure or group of structures owned or exclusively occupied by a public entity or entities.
  4. A residential condominium or similar complex of living units served under a contract between the Agency and a responsible owners' association for the complex.

5. An auxiliary structure, on a residentially zoned parcel, that is not a living unit (without cooking facilities), e.g. garage, workshop, pool house, artist studio, etc. Following receipt of the parcel owner's request letter, an acknowledgement document, prepared by the Agency from information provided by the owner's request letter will be sent to the property owner, and must be recorded by the property owner against the parcel of land to cover this arrangement.
  
6. A second dwelling unit (with cooking facilities) located on a single-family parcel in undivided ownership as an attached or detached unit. Following receipt of the parcel owner's request letter, A~~an~~ acknowledgement document, prepared by the Agency from information provided by the owner's request letter, will be sent to the property owner, and must be recorded by the property owner against the parcel of land to cover this arrangement.
  
7. A single structure consisting of multiple~~–~~parcels/units commercial office condominiums, each parcel/unit intended for individual ownership with each parcel/unit not discharging wastewater constituents of concern, as determined by the Agency, served under an agreement between the Agency and a sub-divider or responsible owners' association for the complex, and with the following additional requirements satisfied: The agreement shall include appropriate Agency-required changes to the Covenants, Conditions, and Restrictions for the structure, shall require revised, recorded title conveyance documents for each parcel/unit which include deed restrictions acceptable to the Agency restricting discharge only to wastewater constituents which are not of concern as defined in this Code and otherwise by the Agency, a recorded Terms and Conditions document signed by both the sub-divider, or responsible owners' association, and the General Manager or authorized delegated representative, and a recorded Covenant signed by both the sub-divider, or responsible owners' association, and the General Manager or authorized delegated representative. The sub-divider or responsible owners' association for the complex, shall pay a Sanitation Code Exception Document Processing Charge to reimburse the Agency for staff and County Counsel administrative costs for processing of the required documents associated with granting the Sanitation Code exception prior to signing of the Terms and Conditions document and the Covenant document by the General Manager or authorized delegated representative. With these completed documents in place, and with payment by the sub-divider or owners' association of the Sanitation Code Exception Document Processing Charge, it will not be necessary for the sub-divider, owners' association, or individual owners, to obtain a variance from the Board of Directors.

- B. If two legal living units in separate structures on a single parcel are in ~~one single~~ ownership where sewer service to both was granted prior to January 1, 1995, and both were legal living units at that time, they may continue to be served through a single sewer lateral where one user assumes responsibility for all service to such parcel. An acknowledgement document per Section 3.09A, Paragraph 6 must be recorded against the parcel if there is a change in ownership after January 1, 1995.

**SECTION 3.25 - SEWER SERVICE FOR A SINGLE STRUCTURE:** Where a single structure is to be served, the side sewer lateral must proceed from the Agency main along such a course so as to avoid ~~any likelihood that it will traverse~~ traversing a parcel of separate ownership ~~in the event of a future resubdivision or sale of land lying between such structure and the Agency main, unless the General Manager, or the General Manager's delegated staff, makes a written finding that traversing such parcel is necessary due to physical restrictions, technical feasibility or safety issues, and a permanent property interest in the traversed parcel for placement, maintenance, and replacement of the side sewer is conveyed to the property of the structure being served and such property interest is recorded.~~

**SECTION 3.26 - SEWER SERVICE FOR TWO OR MORE STRUCTURES:** Where two or more structures are to be served on land under single ownership, separate sewer laterals shall run from the Agency main substantially at a right angle to each such structure, except as allowed by Sections 3.06, 3.09, and 3.25.

**SECTION 3.31 - AGREEMENTS WITH OTHER AGENCIES FOR SANITATION SERVICE:** The Agency may contract in accordance with the terms and conditions of the California Health and Safety Code, Section 4742.1, with a district, city, ~~or governmental agency, person, or other entity,~~ for the handling, treatment, or disposal by the Agency of wastewater or industrial waste when, in the judgment of the Agency Board, it is in the best interest of the Agency to do so, upon such terms and conditions as may be agreed upon, provided that the Agency facility to be utilized has the capacity for handling, treatment or disposal of such waste, necessary to ensure and that such the contracting user pays, as required by Agency, State and/or Federal requirements or law, its proportionate share of the cost of such treatment, handling, and disposal.

E. Specified sections of Article IV – Terms And Conditions For Construction of Sanitation Facilities are amended to read:

**SECTION 4.20 - APPROVAL REQUIREMENT--CLOSED CIRCUIT TELEVISION:** Prior to the Agency's ~~accepting~~ acceptance of construction work as being completed, pursuant to this Ordinance, the Agency ~~may require the permittee to~~ shall prepare a closed circuit television ~~video tape~~ inspection of all mains, lateral, and building sewers for which permit(s) were issued, and shall provide a copy of the video tape to the Agency

~~for review and approval of completed work, all in accordance with the most current revision of the Sonoma County Water Agency's Design and Construction Standards for Sanitation Facilities. All pipelines shall have been baled, flushed, and stationed with a tag line pulled through each section of pipeline and secured at each manhole or other appurtenance prior to video taping. Permittee shall provide a copy of the video tape to the Agency for review and approval of completed work. Should the television video indicate that any or all work is not in accordance with Agency construction standards, conditions, or requirements, work shall be repaired or replaced by permittee, at no cost to the Agency.~~

F. Specified sections of Article VI – Source Control Program are amended to read:

**SECTION 6.05 – PROHIBITED SUBSTANCES OR CHARACTERISTICS:** A user shall not discharge, or cause to be discharged, directly or indirectly to an Agency facility any of the following:

M. Any septic tank waste, holding tank waste, portable toilet waste, unless a permit is issued by the Agency and unless such sludge or waste is transported to the Agency by a permitted waste hauler in accordance with the regulations set forth in Article 9 of this Ordinance. ~~Grease intercepter waste of animal, vegetable or petroleum origin, and oil and sand interceptor or trap waste~~ is prohibited to be hauled in or discharged to any Agency facility.

**SECTION 6.15 – RESPONSIBILITY OF USERS:** It shall be the responsibility of the user and/or discharger to comply with all of the provisions of this Ordinance. The omission to act by the Agency and/or the failure of the Agency to take cognizance of the nature of the operation of the user and/or the properties of the user's wastewater shall not relieve the user of responsibility to comply with the conditions of this Ordinance including, but not limited to, such requirements regarding permitting, pretreatment, monitoring, and reporting. It shall be the responsibility of the user to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under this Ordinance prior to any discharge of wastewater, whether or not the user has been informed by the Agency of the requirements which may apply to the user regarding its discharge.

All New Source, New Industrial User, New User, or users proposing to change the use of a commercial facility, shall complete ~~an Industrial Wastewater Discharge Survey~~ a Survey for Commercial/Industrial Wastewater Discharge Requirements. Upon review of the Survey, the Agency may require the industrial user to apply for an Industrial Wastewater Discharge Permit, ~~and/or~~ install pretreatment equipment (monitoring manholes, grease interceptors, etc.), and/or additional plumbing such as, separate process waste and

sanitary waste lines. Industrial users currently connected or contributing to the Agency's sanitary sewer system, or who propose to connect or contribute to the Agency's sanitary sewer system, must obtain a wastewater discharge permit. The Agency may waive the wastewater discharge permit requirement for industrial users contributing only domestic wastewaters (wastewaters from restrooms, drinking fountains, showers, or air conditioners used for human comfort), or industrial users that are determined by the Agency to have an insignificant impact on the Agency's facilities. This waiver shall not relieve an industrial user of the responsibility to comply with the conditions of this Ordinance. All existing industrial users connected to or contributing to the Agency's sanitary sewer system and having a current wastewater discharge permit shall be required to obtain a new permit or permit contract upon the expiration of their existing permit.

In order that employees of users be informed of Agency requirements, users shall make available to their employees copies of this Ordinance, together with such other wastewater information and notices which may be furnished by the Agency from time to time directed toward more effective water pollution control.

#### **SECTION 6.16 - USER CLASSIFICATIONS (CATEGORIES):**

3. Special Discharge/Groundwater Cleanup—Remediation User: Users in this classification discharge wastewater to the sanitary sewer system generated by the following: operations associated with ~~cleanup~~ remediation of soil and/or groundwater contaminated by leaking underground storage tanks; construction site dewatering; or other industrial operations in which there is no other acceptable or reasonable alternative for disposal. If pretreatment of the wastewater by the IU is required in order to bring the discharge into compliance with the Agency's specific pollutant limitations, such pretreatment will be specified in the (temporary) permit issued by the Agency pursuant to Section 6.18.
4. Waste Haulers: Users in this classification shall apply for and receive a Waste Hauler Discharge Permit pursuant to Article IX of the Sanitation Code prior to discharging any wastewater to the Agency's facilities. Wastewater discharged to the Agency's facilities by permitted Waste Haulers is limited to the following: domestic septage; and special batch loads of wastewater that have been sampled and analyzed in accordance with the Agency's requirements and have been approved by the Agency's ~~Industrial Waste Inspector~~ Environmental Compliance Inspector or Water Agency Coordinator- Environmental Services.

All users are subject to the prohibitions set forth in this Ordinance, with such Federal and State statutes and regulations as may apply, and the specific pollutant limitations as may be promulgated by the Agency Board either by ordinance or resolution.

Domestic users under normal circumstances will not be required to apply for or receive a wastewater discharge permit as defined in this Ordinance, providing that said domestic user discharges only that wastewater which is consistent with the definition of domestic wastewater set forth herein.

**SECTION 6.18 - ACCEPTANCE OF WASTEWATER FROM CLEANUP  
REMEDIAION PROJECTS:**

Wastewater generated from the cleanup of spills, leaking underground storage tanks, contaminated soil or groundwater, monitoring wells, or other similar sources shall not be discharged through direct or indirect connection to the Agency's sewer system unless a temporary or wastewater discharge permit as defined in Section 6.16, User Classifications, is issued by the Agency. The Agency will approve the discharge of such wastewater and issue such a permit only when, in its judgment, no reasonable alternative method of disposal is available and Agency's facilities will not be significantly ~~effected~~ affected.

Whenever the discharge of such wastewater is proposed, the applicant shall submit an analysis of the nature of the proposed discharge and alternative methods of disposal available, together with justification indicating that there is no reasonable alternative to discharge to the sewer system. Such analysis shall deal with environmental and liability factors, as well as financial impacts.

The applicant's analysis of alternative methods of disposal, and the above-described comprehensive report (if required), shall be submitted to the ~~General Manager~~ Agency's Environmental Services Inspector or Water Agency Coordinator - Environmental Services for a decision on whether or not a temporary discharge permit will be issued.

If a temporary discharge permit is granted for the discharge of such wastewater, the user shall pay such fees and charges and meet such special conditions and requirements as determined by the Agency to specifically apply for that particular discharge. Such temporary discharge permit shall be classified into one of the categories as defined in Section 6.16.

**SECTION 6.27 - WASTEWATER DISCHARGE PERMIT FEES:**

D. Permit Monitoring and Inspection Fee: The Permit Monitoring and Inspection Fee, upon being established by separate ordinance, will recover the Agency's costs based on an estimate of the costs of routine monitoring for compliance and periodic inspection of the permittee's processes during the life of the permit. The Permit Monitoring and Inspection Fee will vary from permit to permit and will depend on the frequency of the monitoring and cost of the necessary laboratory tests to verify

compliance with the permit conditions. This fee ~~will~~ may be billed directly to the permittee in advance ~~on an annual basis~~ and is payable within fifteen (15) days from the date of invoice.

**SECTION 6.32 - PERIODIC COMPLIANCE REPORTS:** Categorical Users and Significant Industrial Users shall submit a report to the Agency twice a year or more frequently as specified in the permit or permit contract. Other Industrial Users may be required to submit periodic compliance reports depending on the nature of their discharge. Periodic compliance reports ~~should~~ shall be submitted within ~~forty-five (45) days of collection of the wastewater samples~~ fifteen (15) days of receipt of the laboratory report. The compliance report shall contain such information as may be deemed by the Agency to be necessary to ~~insure~~ ensure compliance with the provisions of this Ordinance. Compliance reports shall, at a minimum, contain the following:

- A. The nature and concentration of pollutants which are limited by pretreatment standards or requirements, or which are specified in the permit or permit contract for each regulated waste stream.
- B. A record of average daily flow for the reporting period for each regulated waste stream.
- C. Such other wastewater effluent data as the user has obtained since the last compliance report, whether or not that data is specifically required by the user's permit or permit contract.
- D. Methods utilized by the user in collecting the wastewater sample for analysis including, but not limited to, the sampling device(s) used, the sampling period, the amount of each sample collected, sample handling and preservation techniques used, and date of sample delivery to the laboratory for analysis.
- E. In the event a sample from a periodic compliance report indicates that a constituent is in violation of the allowable concentration levels as set forth in the user's permit or permit contract, the user shall inform the Agency within the next business day following the discovery of the violation, repeat the sampling and pollutant analysis for the parameter in violation, and submit in writing the results of this second analysis within thirty (30) days of the discovery of the first violation. The initial sampling and analysis report shall be submitted within ~~forty-five (45)~~ fifteen (15) days of the initial sampling date with a cover report setting forth the causes of the violation, the remedial actions taken to date in regard to the violation, and the scheduled additional actions which will be implemented to prevent a reoccurrence.

The Agency may also at any time require a signed statement by the user setting forth management practices and/or material usage practices which have an effect on the

nature, volume, and quality of the wastewater discharge and/or which potentially will affect the ability to comply with pretreatment standards requirements.

The Agency may impose mass limitations on users where the imposition of mass limitations is appropriate. In such cases, the report required under subparagraph (A) above shall indicate the mass of pollutants regulated by pretreatment standards or requirements in the effluent of the user. These reports shall contain the results of all sampling and analysis of the discharge including the flow, concentration, and mass of pollutants regulated by the applicable pretreatment standard or requirement. The user shall provide the actual average production rate of the regulated processes during the reporting period.

G. Specified sections of Article IX – Waste Hauler Program are amended to read:

**SECTION 9.01 - PERMISSIBLE WASTE HAULER DISCHARGES:** The Board finds that it is in the best interest of the citizens of the ~~unincorporated areas of~~ Sonoma County ~~in general, generally~~ and in the best interests of the health and sanitation of the constituents of the Agency, that the Agency receive certain trucked-in waste at the treatment plant for disposal. It is the intent of the Board that the treatment facility shall only be used for the disposal of waste which are compatible with the treatment plant process and the continued operation of the treatment plant as a non-RCRA or non-hazardous waste disposal facility. Therefore, it is the intent of this Ordinance to prohibit the discharge from waste haulers of any hazardous waste as may be defined by either Federal or State statute and regulation, whichever is more stringent; and further, to prohibit all such waste as ~~are~~ is prohibited within Article 6 of this Ordinance, when such waste is trucked to the Agency and discharged pursuant to the Agency's waste hauler program.

**SECTION 9.02 - WASTE HAULER DISCHARGE PERMIT:**

- A. Permit Term: ~~The General Manager or the General Manager's delegated staff~~ shall have the authority to issue waste hauler discharge permits for a period of ~~one (1) two~~ (2) years, with such permits being renewable on further application from the permittee for additional ~~one (1) two~~ (2) year periods upon favorable review by ~~Agency~~ the General Manager or the General Manager's delegated staff. The Hauler shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the Hauler's existing permit.
- B. Permit Conditions: ~~Agency~~ The General Manager or General Manager's delegated staff may prescribe such requirements as may be reasonable to ensure the carrying out of the purpose and polices of this Ordinance, as well as the stated purpose of the waste hauler program as set forth herein. The conditions upon which a waste



hauler's discharge permit may be issued shall include, but not be limited to, the following:

1. Proof of a Sonoma County Health Department Waste Hauler Registration and Public Health License.
2. Certification that the applicant has not been subject to any substantial enforcement actions relating to public health, waste hauling, and/or hazardous waste handling.
3. Provision of a list with license numbers of each vehicle which hauler proposes to use for discharge of waste at Agency facilities.
4. Certification that waste hauler has in place, and will maintain, vehicle insurance coverage which insures the hauler and the Agency against claims of personal injury and property damage (said minimum limits and coverage requirements may from time to time be set forth by the Agency).
5. The furnishing of a cash deposit or other security acceptable to the Agency in an amount set by the Board.

C. Modification, Denial, Revocation, or Suspension of Permit: The issuance of a waste hauler permit creates a conditional privilege to discharge. It does not create property rights (including real, personal, or intangible personal property rights), nor a vested irrevocable right or privilege. The terms and conditions of the permit may be subject to modification by the Agency during the term of the permit as limitations or requirements are modified or other just cause exists. The hauler shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change. The conditions under which a wastewater hauler permit may be denied, revoked, or suspended by the Agency include, but are not limited to, the following:

1. Acceptance of the hauled waste would cause or threaten to cause the Agency to violate its National Pollutant Discharge Elimination System (NPDES) permit, Waste Discharge Requirements (WDR's), or the receiving water quality standards or other regulations.
2. POTW's trucked waste receiving station and/or monitoring systems are unavailable, out of service or incompatible with the trucked waste material.
- 1.3. Substantial enforcement action taken by the Agency or another agency related to public health, waste hauling, and/or hazardous waste handling.
- 2.4. Failure of the waste hauler to comply with Federal, State, or Agency regulations and laws or permit conditions.

- ~~3.5.~~ Termination of the waste hauler's vehicle insurance or reduction in coverage to a level below that required by the Agency.
- ~~4.6.~~ Disposal of waste in an unlawful manner, whether within or outside the Agency.
- ~~5.7.~~ Failure of the waste hauler to comply with the permit, wastewater handling and disposal, and reporting requirements of the Sonoma County Health Services Department.
- ~~6.8.~~ Knowingly or negligently providing false information on any application, permit, or manifest form.
- ~~7.9.~~ Disposing of any waste load to Agency facilities which originated outside the County.
- ~~8.10.~~ Failure of the waste hauler to pay any fees, charges, or penalties assessed by the Agency.
- ~~9.11.~~ Expiration, revocation, or suspension of Sonoma County Health Services Department Waste Hauler Registration or Public Health license.
- ~~10.12.~~ Failure to deposit or maintain the required cash deposit.

**SECTION 9.03 - SECURITY--CASH DEPOSIT:** The Board finds that in order to ensure compliance of each waste hauler with the provisions of this Ordinance, and to further ensure payment of fees and charges for the discharge of trucked-in waste, a cash deposit, or other security acceptable to the Agency, shall be required of each permittee. The cash deposit shall be in an amount of one thousand dollars (\$1,000.00). However, if the General Manager determines the cash deposit should be increased in order to protect the interest of the Agency based on the nature of the current operations of a permittee or the prior history of compliance with the waste hauler program requirements, then the General Manager may increase such cash deposit or security to an amount sufficient to protect the interests of the Agency. The security amount shall not exceed five thousand dollars (\$5,000) without prior Board approval of said security amount. All security cash deposits shall be returned to hauler upon termination of permit, less any amounts used by Agency to cover costs necessary to correct permittee's non-compliance with this Ordinance, and provided there are no outstanding permit violations and hauler has complied with this Ordinance and all permit conditions. In the case of such violations or non-compliance, the remainder of any security cash deposit shall be returned once such violations or non-compliance have been corrected. Waste hauler shall remain independently liable for any permit violations or non-compliance with this Ordinance regardless of whether a security deposit is provided, withheld, or returned.

**SECTION 9.06 - REGULATION OF PROCEDURES:** The Agency shall adopt such procedures as may be appropriate for the implementation of the waste hauler program. These procedures may include, but not be limited to, regulation of the times for discharge, designated discharge location, the amounts of discharge, and manner of discharge. The procedures may also include requirements such as laboratory testing of samples of the waste prior to discharge and procedures for reporting of the ultimate disposal location for waste which are not accepted at an Agency facility due to being rejected on the basis of a sampling analysis of its constituents.

**SECTION 9.08 - SONOMA COUNTY LIMITATION:** The Agency Board finds that it is not in the best interest of the Agency to accept trucked waste from locations which are not within ~~the Agency boundaries~~ Sonoma County. Therefore, the Board finds that the Agency shall only accept trucked-in waste pursuant to the provisions set forth herein and procedures established by ~~Agency~~ the General Manager or the General Manager's delegated staff for trucked waste to the extent such waste is produced within, or emanates from, locations within ~~Agency boundaries, including any area served by contract~~ Sonoma County.

H. Specified sections of Article X – Grease, Oil, And Sand Interceptor Program are amended to read:

**SECTION 10.01 - GREASE TRAPS AND OIL AND SAND INTERCEPTORS:** All non-domestic users, including restaurants, gas stations, and auto repair establishments with floor drains located in service areas and auto or vehicle washing facilities, shall be required to install and maintain a grease, oil, and sand interceptor at the user's own expense when the General Manager finds that it is necessary for the proper handling of (a) liquid waste containing grease, (b) flammable wastes, (c) sand, or (d) other harmful constituents which may be properly eliminated from the sewerage system by use of an interceptor or trap. An interceptor is not required for a building used solely for residential purposes so long as there exists no common food preparation facility. An interceptor shall be required when the wastewater flow from the building is anticipated to contain grease, flammable substances, sand, or other harmful ingredients in amounts or concentrations which, in the discretion of the Agency, present the possibility of causing or contributing to the fouling of, or the blockage of, or other damage to the Agency sewerage system.

Proper sizing, selection, and installation of grease traps and interceptors shall be in accordance with the most recent Uniform Plumbing Code. The minimum size requirement for grease traps shall be 35 gallons per minute/70 pound capacity. Oil and sand interceptors shall be situated on the user's premises and shall be so located as to be readily and easily accessible for cleaning and inspection. A sampling box or other

appropriate sampling structure, as specified by the Agency, shall be installed and located immediately downstream of the user’s oil and sand interceptor. Buildings remodeled for use requiring interceptors shall also be subject to these regulations.

Wastewater discharges from fixtures and equipment in the above-mentioned types of establishments which may contain grease, oil, sand, or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through grease traps and oil and sand interceptors where approved by the General Manager or the General Manager’s delegated staff; provided, however, that toilets, urinals, washbasins, and other fixtures containing fecal materials shall not flow through the grease trap or interceptor. Toxic substances concentrations in excess of Ordinance limits shall not be discharged into grease traps and interceptors.

Grease traps and oil and sand interceptors shall be maintained by the user in efficient operating condition by periodic removal of the accumulated grease, oil, or sand. Grease and oil interceptors shall be cleaned by a licensed and permitted waste hauler on a periodic basis as determined by the Agency so as to assure that the interceptor will operate as designed at all times. The use of chemicals, enzymes or additives to dissolve grease or oil is specifically prohibited. No such accumulated grease, oil, or sand shall be introduced into any drainage piping or public or private sewer.

Abandoned oil and sand interceptors shall be emptied and filled with suitable material as determined by the General Manager, the General Manager’s delegated staff, or the County of Sonoma Environmental Health Department.

**SECTION II**

The Occidental County Sanitation District Sanitation Code Ordinance, the Russian River County Sanitation District Sanitation Code Ordinance, the Sonoma Valley County Sanitation District Sanitation Code Ordinance, and the South Park County Sanitation District Sanitation Code Ordinance shall be amended to read as follow:

A. Section 1 - Table of Contents are amended to read:

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B. Specified sections of Article I – General Provisions are amended to read:

**SECTION 1.02 – RULES AND REGULATIONS:** The following rules and regulations setting forth uniform requirements for wastewater contributors to the District’s collection, treatment, and disposal systems; establishing terms and conditions for new and existing sewer services; and providing the policy and direction for the design, inspection, and construction of all sanitation works to be accepted, owned, and operated by the District, are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise, unless modified and adopted by ordinance or resolution, as applicable, by the Board of Directors of the District.

With respect to installation, alteration, or repair of sewer facilities, this Ordinance shall not, except as otherwise provided herein, apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein. However, this Ordinance shall apply retroactively with respect to sewer use as set forth in Articles VI, IX, and X.

**SECTION 1.06 – RELIEF ON VARIANCE APPLICATION:** When any person by reason of special circumstances is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his/her premises, he/she may make written application of a variance to the ~~Board~~ General Manager, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his/her premises.

Upon receipt of such variance application, the General Manager shall review the application. If the General Manager does not object to the granting of a variance, the General Manager Board shall set the matter for a hearing before the Board as soon as practicable after review of the application and in accordance with Board procedures, and at its next regular meeting giving give written notice thereof to the applicant. If the General Manager objects to the granting of a variance, the General Manager shall provide a written denial to the applicant. The applicant may appeal the denial to the Board by providing a written appeal to the General Manager within fourteen (14) days after receipt of the General Manager’s written denial. Failure to appeal within this time

frame shall constitute a waiver of the right to appeal. The appeal should include the applicant's arguments in support of the appeal. The General Manager shall then set the matter for hearing before the Board as soon as practicable in accordance with Board procedures. Whenever, in the judgment of the Board, it is unnecessary or unjust to require compliance with any provision of this title, the Board may grant a variance therefrom. In granting any such variance, the Board may impose any condition it determines is just and proper and will secure substantially the general objectives of this title. The application fee shall ~~be established by separate ordinance and shall not exceed the administrative costs for processing the variance application~~ and shall be calculated by the District and paid for by the applicant prior to the date of the Board hearing. Pending the hearing before the Board, the decision of the General Manager shall remain in full force and effect until acted on by the Board.

However, if such application is approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the variance application approved by the Board, but only to the extent compatible with State and Federal laws, rules, and regulations pertaining to wastewater facilities.

C. Specified sections of Article II – Definitions and Abbreviations are amended, deleted, and added to read:

#### **SECTION 2.01 – DEFINITIONS:**

Building Sewer shall mean that portion of any sewer beginning at a point two (2) feet outside the foundation line of any building and running to the property line, public road/street right-of-way line, sewer easement right-of-way line, or to a private ~~sewage disposal~~ onsite wastewater treatment system.

Domestic Wastewater shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans. Domestic wastewater shall be of such character as to permit satisfactory disposal, without special treatment, into the public sewer system or by means of a private ~~disposal~~ onsite wastewater treatment system. For the purpose of this definition, domestic wastewater shall have a BOD and suspended solids concentration of 300 milligrams per liter or less.

Environmental Compliance Inspector shall mean any person, delegated by the GM, who conducts inspections and investigations of industrial pretreatment facilities to ensure protection of the environment and compliance with agency, local, state, and federal regulations.

~~Industrial Waste Inspector shall mean any person, delegated by the GM, who conducts inspections and investigations of industrial pretreatment facilities to ensure protection of the environment and compliance with agency, local, state, and federal regulations.~~

Pollution Prevention shall mean any action which causes a net reduction in the generation of hazardous and/or non-hazardous waste, and may also include any steps taken (a) before a hazardous waste is generated to lessen the properties which cause the waste to be classified as hazardous, or (b) to reduce pollutant loadings from all process discharges prior to disposal to a POTW.

Significant Noncompliance (SNC) shall mean any violation of pretreatment standards or requirements as defined in 40 CFR 403.8(f)(2)(vii)(viii). SNC includes, but is not limited to, instances of chronic violations of wastewater discharge limits, slug discharges, violations of compliance schedule milestones, failure to provide compliance data, failure to follow Best Management Practices (BMPs), failure to accurately report noncompliance, or any other violation or group of violations.

Source Reduction - See ~~Waste Minimization~~ Pollution Prevention

Trunk Sewer Main – A Main Sewer to which no Lateral Sewers are allowed to connect. Only Main Sewers can connect to a Trunk Sewer Main. All connections to a Trunk Sewer Main shall be at a manhole.

~~Waste Minimization (Pollution Prevention) shall mean any action which causes a net reduction in the generation of hazardous and non-hazardous waste, and may also include any steps taken (a) before a hazardous waste is generated to lessen the properties which cause the waste to be classified as hazardous, or (b) to reduce pollutant loadings from all process discharges prior to disposal to a POTW.~~

D. Specified sections of Article III – General Conditions For Sewer Service are amended to read:

**SECTION 3.06 - SEWER REQUIRED:** The owner of any building situated within the District boundary and abutting on any street in which there is now located or may in the future be located a public sewer of the District is hereby required at his or her expense to connect said building directly with the proper public sewer, unless the building will discharge to the public sewer through a pretreatment system approved by the District, in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, and provided that said public sewer is within three hundred (300) feet of the building.

**SECTION 3.09 - EACH UNIT TO HAVE SEWER LATERAL:** No sewer lateral shall be installed or provided for more than one living unit, commercial unit, or agricultural or industrial enterprise. However:

- A. The following facilities may be allowed to be served by a common sewer lateral upon receipt of a written request from the applicant:
1. A duplex, apartment, or other multiple-unit residential structure in undivided ownership.
  2. A commercial or industrial structure in undivided ownership where use areas are not enclosed by permanent walls, provided that process and domestic wastestream would not comingle prior to the designated sampling point.
  3. A structure or group of structures owned or exclusively occupied by a public entity or entities.
  4. A residential condominium or similar complex of living units served under a contract between the District and a responsible owners' association for the complex.
  5. An auxiliary structure, on a residentially zoned parcel, that is not a living unit (without cooking facilities), e.g. garage, workshop, pool house, artist studio, etc. Following receipt of the parcel owner's request letter, an acknowledgement document, prepared by the District from information provided by the owner's request letter will be sent to the property owner, and must be recorded by the property owner against the parcel of land to cover this arrangement.
  6. A second dwelling unit (with cooking facilities) located on a single-family parcel in undivided ownership as an attached or detached unit. Following receipt of the parcel owner's request letter, A-an acknowledgement document, prepared by the District from information provided by the owner's request letter, will be sent to the property owner, and must be recorded by the property owner against the parcel of land to cover this arrangement.
  7. A single structure consisting of multiple-parcels/units commercial office condominiums, each parcel/unit intended for individual ownership with each parcel/unit not discharging wastewater constituents of concern, as determined by the District, served under an agreement between the District and a sub-divider or responsible owners' association for the complex, and with the following additional requirements satisfied: The agreement shall include appropriate District-required changes to the Covenants, Conditions, and Restrictions for the structure, shall require revised, recorded title conveyance documents for each parcel/unit which



include deed restrictions acceptable to the District restricting discharge only to wastewater constituents which are not of concern as defined in this Code and otherwise by the District, a recorded Terms and Conditions document signed by both the sub-divider, or responsible owners' association, and the General Manager or authorized delegated representative, and a recorded Covenant signed by both the sub-divider, or responsible owners' association, and the General Manager or authorized delegated representative. The sub-divider or responsible owners' association for the complex, shall pay a Sanitation Code Exception Document Processing Charge to reimburse the District for staff and County Counsel administrative costs for processing of the required documents associated with granting the Sanitation Code exception prior to signing of the Terms and Conditions document and the Covenant document by the General Manager or authorized delegated representative. With these completed documents in place, and with payment by the sub-divider or owners' association of the Sanitation Code Exception Document Processing Charge, it will not be necessary for the sub-divider, owners' association, or individual owners, to obtain a variance from the Board of Directors.

- B. If two legal living units in separate structures on a single parcel are in ~~one~~ single ownership where sewer service to both was granted prior to January 1, 1995, and both were legal living units at that time, they may continue to be served through a single sewer lateral where one user assumes responsibility for all service to such parcel. An acknowledgement document per Section 3.09A, Paragraph 6 must be recorded against the parcel if there is a change in ownership after January 1, 1995.

**SECTION 3.25 - SEWER SERVICE FOR A SINGLE STRUCTURE:** Where a single structure is to be served, the side sewer lateral must proceed from the District main along such a course so as to avoid any likelihood that it will traverse ~~traversing~~ a parcel of separate ownership in the event of a future resubdivision or sale of land lying between such structure and the District main, unless the General Manager, or the General Manager's delegated staff, makes a written finding that traversing such parcel is necessary due to physical restriction, technical feasibility or safety issues, and a permanent property interest in the traversed parcel for placement, maintenance, and replacement of the side sewer is conveyed to the property of the structure being served and such property interest is recorded.

**SECTION 3.26 - SEWER SERVICE FOR TWO OR MORE STRUCTURES:** Where two or more structures are to be served on land under single ownership, separate sewer laterals shall run from the District main substantially at a right angle to each such structure, except as allowed by Sections 3.06, 3.09, and 3.25.

**SECTION 3.31 - AGREEMENTS WITH OTHER AGENCIES FOR SANITATION SERVICE:**

The District may contract in accordance with the terms and conditions of the California Health and Safety Code, Section 4742.1, with a district, city, ~~or governmental agency, person, or other entities~~, for the handling, treatment, or disposal by the District of wastewater or industrial waste when, in the judgment of the District Board, it is in the best interest of the District to do so, upon such terms and conditions as may be agreed upon, provided that the District facility to be utilized has the capacity for handling, treatment or disposal of such waste, and necessary to ensure that such the contracting user pays, as required by District, State and/or Federal requirements or law, its proportionate share of the cost of such treatment, handling, and disposal.

E. Specified sections of Article IV – Terms And Conditions For Construction of Sanitation Facilities are amended to read:

**SECTION 4.20 - APPROVAL REQUIREMENT--CLOSED CIRCUIT TELEVISION:** Prior to the District's ~~accepting~~ acceptance of construction work as being completed, pursuant to this Ordinance, the ~~District may require the permittee to~~ shall prepare a closed circuit television ~~video tape~~ inspection of all mains, lateral, and building sewers for which permit(s) were issued in accordance with the most current revision of the Sonoma County Water Agency's Design and Construction Standards for Sanitation Facilities. ~~All pipelines shall have been baled, flushed, and stationed with a tag line pulled through each section of pipeline and secured at each manhole or other appurtenance prior to video taping. Permittee shall provide a copy of the video tape to the District for review and approval of completed work. Should the television video indicate that any or all work is not in accordance with District construction standards, conditions, or requirements, work shall be repaired or replaced by permittee, at no cost to the District.~~

F. Specified sections of Article VI – Source Control Program are amended to read:

**SECTION 6.05 – PROHIBITED SUBSTANCES OR CHARACTERISTICS:** A user shall not discharge, or cause to be discharged, directly or indirectly to a District facility any of the following:

M. Any septic tank waste, holding tank waste, portable toilet waste, unless a permit is issued by the District and unless such sludge or waste is transported to the District by a permitted waste hauler in accordance with the regulations set forth in Article 9 of this Ordinance. Grease ~~interceptor~~ waste of animal, vegetable or petroleum origin, and oil and sand interceptor or trap waste is prohibited to be hauled in or discharged to any District facility.

**SECTION 6.15 – RESPONSIBILITY OF USERS:** It shall be the responsibility of the user and/or discharger to comply with all of the provisions of this Ordinance. The omission to act by the District and/or the failure of the District to take cognizance of the nature of the operation of the user and/or the properties of the user's wastewater shall not relieve the user of responsibility to comply with the conditions of this Ordinance including, but not limited to, such requirements regarding permitting, pretreatment, monitoring, and reporting. It shall be the responsibility of the user to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under this Ordinance prior to any discharge of wastewater, whether or not the user has been informed by the District of the requirements which may apply to the user regarding its discharge.

All New Source, New Industrial User, New User, or users proposing to change the use of a commercial facility, shall complete ~~an Industrial Wastewater Discharge Survey~~ a Survey for Commercial/Industrial Wastewater Discharge Requirements. Upon review of the Survey, the District may require the industrial user to apply for an Industrial Wastewater Discharge Permit, ~~and/or~~ install pretreatment equipment (monitoring manholes, grease interceptors, etc.), and/or additional plumbing such as, separate process waste and sanitary waste lines. Industrial users currently connected or contributing to the District's sanitary sewer system, or who propose to connect or contribute to the District's sanitary sewer system, must obtain a wastewater discharge permit. The District may waive the wastewater discharge permit requirement for industrial users contributing only domestic wastewaters (wastewaters from restrooms, drinking fountains, showers, or air conditioners used for human comfort), or industrial users that are determined by the District to have an insignificant impact on the District's facilities. This waiver shall not relieve an industrial user of the responsibility to comply with the conditions of this Ordinance. All existing industrial users connected to or contributing to the District's sanitary sewer system and having a current wastewater discharge permit shall be required to obtain a new permit or permit contract upon the expiration of their existing permit.

In order that employees of users be informed of District requirements, users shall make available to their employees copies of this Ordinance, together with such other wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution control.

**SECTION 6.16 - USER CLASSIFICATIONS (CATEGORIES):**

3. Special Discharge/Groundwater Cleanup—Remediation User: Users in this classification discharge wastewater to the sanitary sewer system generated by the

following: operations associated with ~~cleanup~~ remediation of soil and/or groundwater contaminated by leaking underground storage tanks; construction site dewatering; or other industrial operations in which there is no other acceptable or reasonable alternative for disposal. If pretreatment of the wastewater by the IU is required in order to bring the discharge into compliance with the District's specific pollutant limitations, such pretreatment will be specified in the (temporary) permit issued by the District pursuant to Section 6.18.

4. Waste Haulers: Users in this classification shall apply for and receive a Waste Hauler Discharge Permit pursuant to Article IX of the Sanitation Code prior to discharging any wastewater to the District's facilities. Wastewater discharged to the District's facilities by permitted Waste Haulers is limited to the following: domestic septage; and special batch loads of wastewater that have been sampled and analyzed in accordance with the District's requirements and have been approved by the District's Agency's Industrial Waste Inspector Environmental Compliance Inspector or Water Agency Coordinator - Environmental Services.

All users are subject to the prohibitions set forth in this Ordinance, with such Federal and State statutes and regulations as may apply, and the specific pollutant limitations as may be promulgated by the District Board either by ordinance or resolution.

Domestic users under normal circumstances will not be required to apply for or receive a wastewater discharge permit as defined in this Ordinance, providing that said domestic user discharges only that wastewater which is consistent with the definition of domestic wastewater set forth herein.

#### **SECTION 6.18 - ACCEPTANCE OF WASTEWATER FROM CLEANUP REMEDIATION PROJECTS:**

Wastewater generated from the cleanup of spills, leaking underground storage tanks, contaminated soil or groundwater, monitoring wells, or other similar sources shall not be discharged through direct or indirect connection to the District's sewer system unless a temporary or wastewater discharge permit as defined in Section 6.16, User Classifications, is issued by the District. The District will approve the discharge of such wastewater and issue such a permit only when, in its judgment, no reasonable alternative method of disposal is available and District's facilities will not be significantly ~~effected~~ affected.

Whenever the discharge of such wastewater is proposed, the applicant shall submit an analysis of the nature of the proposed discharge and alternative methods of disposal available, together with justification indicating that there is no reasonable alternative to discharge to the sewer system. Such analysis shall deal with environmental and liability factors, as well as financial impacts.

The applicant's analysis of alternative methods of disposal, and the above-described comprehensive report (if required), shall be submitted to the ~~General Manager~~ District's Environmental Services Inspector or Water Agency Coordinator - Environmental Services for a decision on whether or not a temporary discharge permit will be issued.

If a temporary discharge permit is granted for the discharge of such wastewater, the user shall pay such fees and charges and meet such special conditions and requirements as determined by the District to specifically apply for that particular discharge. Such temporary discharge permit shall be classified into one of the categories as defined in Section 6.16.

#### **SECTION 6.27 - WASTEWATER DISCHARGE PERMIT FEES:**

D. Permit Monitoring and Inspection Fee: The Permit Monitoring and Inspection Fee, upon being established by separate ordinance, will recover the District's costs based on an estimate of the costs of routine monitoring for compliance and periodic inspection of the permittee's processes during the life of the permit. The Permit Monitoring and Inspection Fee will vary from permit to permit and will depend on the frequency of the monitoring and cost of the necessary laboratory tests to verify compliance with the permit conditions. This fee ~~will~~ may be billed directly to the permittee in advance ~~on an annual basis~~ and is payable within fifteen (15) days from the date of invoice.

**SECTION 6.32 - PERIODIC COMPLIANCE REPORTS:** Categorical Users and Significant Industrial Users shall submit a report to the District twice a year or more frequently as specified in the permit or permit contract. Other Industrial Users may be required to submit periodic compliance reports depending on the nature of their discharge. Periodic compliance reports ~~should~~ shall be submitted within ~~forty-five (45) days of collection of the wastewater samples~~ fifteen (15) days of receipt of the laboratory report. The compliance report shall contain such information as may be deemed by the District to be necessary to ~~insure~~ ensure compliance with the provisions of this Ordinance. Compliance reports shall, at a minimum, contain the following:

- A. The nature and concentration of pollutants which are limited by pretreatment standards or requirements, or which are specified in the permit or permit contract for each regulated waste stream.
- B. A record of average daily flow for the reporting period for each regulated waste stream.

- C. Such other wastewater effluent data as the user has obtained since the last compliance report, whether or not that data is specifically required by the user's permit or permit contract.
- D. Methods utilized by the user in collecting the wastewater sample for analysis including, but not limited to, the sampling device(s) used, the sampling period, the amount of each sample collected, sample handling and preservation techniques used, and date of sample delivery to the laboratory for analysis.
- E. In the event a sample from a periodic compliance report indicates that a constituent is in violation of the allowable concentration levels as set forth in the user's permit or permit contract, the user shall inform the District within the next business day following the discovery of the violation, repeat the sampling and pollutant analysis for the parameter in violation, and submit in writing the results of this second analysis within thirty (30) days of the discovery of the first violation. The initial sampling and analysis report shall be submitted within ~~forty-five (45)~~fifteen (15) days of the initial sampling date with a cover report setting forth the causes of the violation, the remedial actions taken to date in regard to the violation, and the scheduled additional actions which will be implemented to prevent a reoccurrence.

The District may also at any time require a signed statement by the user setting forth management practices and/or material usage practices which have an effect on the nature, volume, and quality of the wastewater discharge and/or which potentially will affect the ability to comply with pretreatment standards requirements.

The District may impose mass limitations on users where the imposition of mass limitations is appropriate. In such cases, the report required under subparagraph (A) above shall indicate the mass of pollutants regulated by pretreatment standards or requirements in the effluent of the user. These reports shall contain the results of all sampling and analysis of the discharge including the flow, concentration, and mass of pollutants regulated by the applicable pretreatment standard or requirement. The user shall provide the actual average production rate of the regulated processes during the reporting period.

- G. Specified sections of Article IX – Waste Hauler Program are amended to read:

**SECTION 9.01 - PERMISSIBLE WASTE HAULER DISCHARGES:** The Board finds that it is in the best interest of the citizens ~~of the unincorporated areas of Sonoma County~~ generally in general, and in the best interests of the health and sanitation of the constituents of the District, that the District receive certain trucked-in waste at the treatment plant for disposal. It is the intent of the Board that the treatment facility shall only be used for the disposal of waste which are compatible with the treatment plant

process and the continued operation of the treatment plant as a non-RCRA or non-hazardous waste disposal facility. Therefore, it is the intent of this Ordinance to prohibit the discharge from waste haulers of any hazardous waste as may be defined by either Federal or State statute and regulation, whichever is more stringent; and further, to prohibit all such waste as ~~are~~ is prohibited within Article 6 of this Ordinance, when such waste is trucked to the District and discharged pursuant to the District's waste hauler program.

## **SECTION 9.02 - WASTE HAULER DISCHARGE PERMIT:**

- A. Permit Term: ~~The General Manager or the General Manager's delegated~~ Staff shall have the authority to issue waste hauler discharge permits for a period of ~~one (1) two~~ (2) years, with such permits being renewable on further application from the permittee for additional ~~one (1) two~~ (2) year periods upon favorable review by ~~District General Manager or the General Manager's delegated~~ staff. The Hauler shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the Hauler's existing permit.
- B. Permit Conditions: ~~District~~ The General Manager or General Manager's delegated staff may prescribe such requirements as may be reasonable to ensure the carrying out of the purpose and polices of this Ordinance, as well as the stated purpose of the waste hauler program as set forth herein. The conditions upon which a waste hauler's discharge permit may be issued shall include, but not be limited to, the following:
1. Proof of a Sonoma County Health Department Waste Hauler Registration and Public Health License.
  2. Certification that the applicant has not been subject to any substantial enforcement actions relating to public health, waste hauling, and/or hazardous waste handling.
  3. Provision of a list with license numbers of each vehicle which hauler proposes to use for discharge of waste at District facilities.
  4. Certification that waste hauler has in place, and will maintain, vehicle insurance coverage which insures the hauler and the District against claims of personal injury and property damage (said minimum limits and coverage requirements may from time to time be set forth by the District).
  5. The furnishing of a cash deposit or other security acceptable to the District in an amount set by the Board.
- C. Modification, Denial, Revocation, or Suspension of Permit: The issuance of a waste hauler permit creates a conditional privilege to discharge. It does not create property rights (including real, personal, or intangible personal property rights), nor a vested

irrevocable right or privilege. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements are modified or other just cause exists. The hauler shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change. The conditions under which a wastewater hauler permit may be denied, revoked, or suspended by the District include, but are not limited to, the following:

1. Acceptance of the hauled waste would cause or threaten to cause the District to violate its National Pollutant Discharge Elimination System (NPDES) permit, Waste Discharge Requirements (WDR's), or the receiving water quality standards or other regulation.
2. POTW's trucked waste receiving station and/or monitoring systems are unavailable, out of service or incompatible with the trucked waste material.
- ~~1-3.~~ Substantial enforcement action taken by the District or another agency related to public health, waste hauling, and/or hazardous waste handling.
- ~~2-4.~~ Failure of the waste hauler to comply with Federal, State, or District regulations and laws or permit conditions.
- ~~3-5.~~ Termination of the waste hauler's vehicle insurance or reduction in coverage to a level below that required by the District.
- ~~4-6.~~ Disposal of waste in an unlawful manner, whether within or outside the District.
- ~~5-7.~~ Failure of the waste hauler to comply with the permit, wastewater handling and disposal, and reporting requirements of the Sonoma County Health Services Department.
- ~~6-8.~~ Knowingly or negligently providing false information on any application, permit, or manifest form.
- ~~7-9.~~ Disposing of any waste load to District facilities which originated outside the County.
- ~~8-10.~~ Failure of the waste hauler to pay any fees, charges, or penalties assessed by the District.
- ~~9-11.~~ Expiration, revocation, or suspension of Sonoma County Health Services Department Waste Hauler Registration or Public Health license.
- ~~10-12.~~ Failure to deposit or maintain the required cash deposit.

**SECTION 9.03 - SECURITY--CASH DEPOSIT:** The Board finds that in order to ensure compliance of each waste hauler with the provisions of this Ordinance, and to further



ensure payment of fees and charges for the discharge of trucked-in waste, a cash deposit, or other security acceptable to the District, shall be required of each permittee. The cash deposit shall be in an amount of one thousand dollars (\$1,000.00). However, if the General Manager determines the cash deposit should be increased in order to protect the interest of the District based on the nature of the current operations of a permittee or the prior history of compliance with the waste hauler program requirements, then the General Manager may increase such cash deposit or security to an amount sufficient to protect the interests of the District. The security amount shall not exceed five thousand dollars (\$5,000) without prior Board approval of said security amount. All security cash deposits shall be returned to hauler upon termination of permit, less any amounts used by the District to cover costs necessary to correct permittee's non-compliance with this Ordinance, and provided there are no outstanding permit violations and hauler has complied with this Ordinance and all permit conditions. In the case of such violations or non-compliance, the remainder of any security cash deposit shall be returned once such violations or non-compliance have been corrected. Waste hauler shall remain independently liable for any permit violations or non-compliance with this Ordinance regardless of whether a security deposit is provided, withheld, or returned.

**SECTION 9.06 - REGULATION OF PROCEDURES:** The District shall adopt such procedures as may be appropriate for the implementation of the waste hauler program. These procedures may include, but not be limited to, regulation of the times for discharge, designated discharge location, the amounts of discharge, and manner of discharge. The procedures may also include requirements such as laboratory testing of samples of the waste prior to discharge and procedures for reporting of the ultimate disposal location for waste which are not accepted at a District facility due to being rejected on the basis of a sampling analysis of its constituents.

**SECTION 9.08 - SONOMA COUNTY LIMITATION:** The District Board finds that it is not in the best interest of the District to accept trucked waste from locations which are not within ~~the District boundaries~~ Sonoma County. Therefore, the Board finds that the District shall only accept trucked-in waste pursuant to the provisions set forth herein and procedures established by ~~District~~ the General Manager or the General Manager's delegated staff for trucked waste to the extent such waste is produced within, or emanates from, locations within ~~District boundaries, including any area served by contract~~ Sonoma County.

H. Specified sections of Article X – Grease, Oil, And Sand Interceptor Program are amended to read:

**SECTION 10.01 – GREASE TRAPS AND OIL AND SAND INTERCEPTORS:** All non-domestic users, including restaurants, gas stations, and auto repair establishments with

floor drains located in service areas and auto or vehicle washing facilities, shall be required to install and maintain a grease, oil, and sand interceptor at the user's own expense when the General Manager finds that it is necessary for the proper handling of (a) liquid waste containing grease, (b) flammable wastes, (c) sand, or (d) other harmful constituents which may be properly eliminated from the sewerage system by use of an interceptor or trap. An interceptor is not required for a building used solely for residential purposes so long as there exists no common food preparation facility. An interceptor shall be required when the wastewater flow from the building is anticipated to contain grease, flammable substances, sand, or other harmful ingredients in amounts or concentrations which, in the discretion of the District, present the possibility of causing or contributing to the fouling of, or the blockage of, or other damage to the District sewerage system.

Proper sizing, selection, and installation of grease traps and interceptors shall be in accordance with the most recent Uniform Plumbing Code. The minimum size requirement shall be 35 gallons per minute/70 pound capacity. Oil and sand interceptors shall be situated on the user's premises and shall be so located as to be readily and easily accessible for cleaning and inspection. A sampling box or other appropriate sampling structure, as specified by the District, shall be installed and located immediately downstream of the user's oil and sand interceptor. Buildings remodeled for use requiring interceptors shall also be subject to these regulations.

Wastewater discharges from fixtures and equipment in the above-mentioned types of establishments which may contain grease, oil, sand, or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through grease traps and oil and sand interceptors where approved by the General Manager or the General Manager's delegated staff; provided, however, that toilets, urinals, washbasins, and other fixtures containing fecal materials shall not flow through the grease trap or interceptor. Toxic substances concentrations in excess of Ordinance limits shall not be discharged into grease traps and interceptors.

Grease traps and oil and sand interceptors shall be maintained by the user in efficient operating condition by periodic removal of the accumulated grease, oil, or sand. Grease and oil interceptors shall be cleaned by a licensed and permitted waste hauler on a periodic basis as determined by the District so as to assure that the interceptor will operate as designed at all times. The use of chemicals, enzymes or additives to dissolve grease or oil is specifically prohibited. No such accumulated grease, oil, or sand shall be introduced into any drainage piping or public or private sewer.

Abandoned oil and sand interceptors shall be emptied and filled with suitable material as determined by the General Manager, the General Manager's delegated staff, or the County of Sonoma Environmental Health Department.

**SECTION III**

The Sonoma Valley County Sanitation District Sanitation Code Ordinance is additionally amended to read as follow:

A. Section I - Table of Contents is amended to read:

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ARTICLE XI      MERCURY REDUCTION PROGRAM..... 78

B. Specified sections of Article I – General Provisions are amended to read:

**SECTION 1.02 – RULES AND REGULATIONS:** The following rules and regulations setting forth uniform requirements for wastewater contributors to the District’s collection, treatment, and disposal systems; establishing terms and conditions for new and existing sewer services; and providing the policy and direction for the design, inspection, and construction of all sanitation works to be accepted, owned, and operated by the District, are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise, unless modified and adopted by ordinance or resolution, as applicable, by the Board of Directors of the District.

With respect to installation, alteration, or repair of sewer facilities, this Ordinance shall not, except as otherwise provided herein, apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein. However, this Ordinance shall apply retroactively with respect to sewer use as set forth in Articles VI, IX, ~~and X~~ and XI.

C. Specified sections of Article II – Definitions of the Sonoma Valley County Sanitation District Sanitation Code are amended, deleted, and added to read:

**SECTION 2.01 – DEFINITIONS:**

Amalgam Separator shall mean a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sanitary sewer.

Amalgam Waste shall mean and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

Interceptor shall mean an District-approved precast or cast-in-place concrete, high-density ~~polyethylene~~ polyethylene, coated steel, or other plastic containment device designed to intercept, trap, or otherwise prevent grease, sand, flammable liquids, or other substances potentially harmful to the sewerage system from entering said system.

ISO 11143 shall mean the International Organization for Standardization's standard for amalgam separators.

Lateral Sewer shall mean the portion of a sewer connecting a Building Sewer to the District's Main Sewer ~~with~~ which is owned by the District but maintained by the private property owner and lying within a public road/street or public sewer easement.

D. Article XI – MERCURY REDUCTION PROGRAM of the Sonoma Valley County Sanitation District Sanitation Code is added to read:

SECTION 11.01 – PURPOSE

SECTION 11.02 - WASTE MANAGEMENT PRACTICES

SECTION 11.03 - AMALGAM SEPARATORS

SECTION 11.04 – EXEMPTIONS

**SECTION 11.01 – PURPOSE:** Mercury is a toxic metal that bioaccumulates in several species of aquatic organisms. Dental amalgam is the largest controllable source of mercury to the District's sanitary sewer system. Dental Amalgam is approximately fifty percent (50%) mercury, mixed with silver and other metals. The District Board finds that in order to significantly reduce the quantity of mercury entering the District's sanitary sewer system, a dental amalgam program is required.

**SECTION 11.02 – WASTE MANAGEMENT PRACTICES:** All users of and dischargers from dental facilities that remove or replace amalgam fillings shall comply with the following waste management practices:

- A. No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the sanitary sewer.
- B. Users of and dischargers from dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management, and disposal of mercury-containing material and fixer containing solutions, and shall

maintain training records that shall be available for inspection by the District's Environmental Compliance Inspector during normal business hours.

- C. Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
- D. Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
- E. The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

**SECTION 11.03 – AMALGAM SEPARATORS:** All users of and dischargers from dental vacuum suction systems, except as set forth in Section 11.04, below shall comply with the following:

- A. An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system on or before one year of the effective date of this Ordinance; provided however, that all dental facilities that are newly constructed on and after the effective date of this Ordinance shall include an installed ISO 11143 certified amalgam separator device. The installed device must be ISO 11143 certified as capable of removing a minimum of ninety five percent (95%) of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified. Alternative materials and methods may be proposed to the General Manager in writing along with technical data documenting equivalency submitted for review and approval. The General Manager, or the General Manager's delegated staff, may approve alternative materials upon a written finding that the alternative materials and/or methods, based on a review of the submitted documentation, are found to be equivalent to the ISO 11143 certified amalgam separator devices referenced in this Section 11.03. If equivalency is not approved, and the proposed alternative materials or methods are not approved, the applicant may pursue approval pursuant to the provisions for obtaining a variance to this Ordinance.
- B. All amalgam separators installed pursuant to Section A above, shall be on the "Bay Area Pollution Prevention Group (BAPPG) list of Accepted Amalgam Separators," dated May 2009 or the most recent revision. For amalgam separators installed prior to the date of this Ordinance, approval may be provided by the General Manager, or the General Manager's delegated staff, on a case-by-case basis provided the amalgam separator meets the standards in Section A, above.

- C. Proof of certification and installation records shall be submitted to the District within thirty (30) days of installation. A form will be provided by the District and must be completed to demonstrate compliance.
- D. Amalgam separators shall be maintained in accordance with manufacturer's recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request by an authorized representative of the District during normal business hours.

#### **SECTION 11.04 – EXEMPTIONS:**

- A. The following types of dental Practice are exempt from Section 11.03, provided that removal or placement of amalgam fillings occurs at the facility no more than three days per year: Orthodontics, periodontics, oral and maxillofacial surgery, radiology, oral pathology or oral medicine, and endodontistry and prosthodontistry.
- B. Facilities with vacuum suction systems that meet all of the following conditions may apply to the General Manager for an exemption to the requirements under Section 11.03:
  1. The system was installed before the effective date of this Ordinance.
  2. The system is a dry vacuum pump system with an air-water separator.
  3. The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.
  4. Evidence of regular pump outs (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the District's Environmental Compliance inspector during normal business hours.
  5. The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank

Any user or discharger whose facility meets all five conditions may apply for an exemption by written letter to the General Manager. The General Manager, or the General Manager's delegated staff, will review the system and if the exemption is approved, shall provide a written letter of exemption. An exemption obtained pursuant to Section 11.04 B, shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with Section 11.03 before commencing further operation.

#### **SECTION IV**

The South Park County Sanitation District Sanitation Code Ordinance is additionally amended to read:

- A. Specified sections of Article I – General Provisions are amended to read:

**SECTION 1.02 - RULES AND REGULATIONS:** The following rules and regulations setting forth uniform requirements for wastewater contributors to the District's collection, treatment, and disposal systems; establishing terms and conditions for new and existing sewer services; and providing the policy and direction for the design, inspection, and construction of all sanitation works to be accepted, owned, and operated by the District; are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise, unless modified and adopted by ordinance or resolution, as applicable, by the Board of Directors of the District. Notwithstanding the above, in order to facilitate eventual transition of ownership of the District's facilities to the City of Santa Rosa, the Board of Directors or the General Manager may accept compliance with the City of Santa Rosa's requirements for wastewater contributors to the District's collection, treatment, and disposal systems, or terms and conditions for new and existing sewer services, or policy and direction for the design, inspection, and construction of all sanitation works to be accepted, owned, and operated by the District, as complying with the District's rules and regulations herein, upon a finding that the City's requirements, together with any additional conditions if determined by the Board of Directors or the General Manager to be necessary, are adequate to protect public health and the environment.

With respect to installation, alteration, or repair of sewer facilities, this Ordinance shall not, except as otherwise provided herein, apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein. However, this Ordinance shall apply retroactively with respect to sewer use as set forth in Articles VI, IX, and X.

## **SECTION V**

The Occidental County Sanitation District Sanitation Code Ordinance, the Sonoma Valley County Sanitation District Sanitation Code Ordinance, and the South Park County Sanitation District Sanitation Code Ordinance are amended to read as follow:

A. Specified sections of Article II – Definitions and Abbreviations are amended, deleted, or added to read:

### **SECTION 2.01 – DEFINITIONS:**

Onsite Wastewater Treatment System(s) shall mean individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal. The short form of the term may be singular or plural. OWTS do not include "graywater" systems pursuant to Health and Safety Code Section 17922.12.

### **SECTION 2.03 – ABBREVIATIONS:**

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OWTS                      Onsite Wastewater Treatment System(s)

B. Specified sections of Article III – General Conditions For Sewer Service are amended to read:

**SECTION 3.04 – UNLAWFUL DISPOSAL:** ~~Except as herein provided, it shall be unlawful to construct or maintain within the District boundaries any privy, privy vault, cesspool, seepage pit, or any other type of Onsite Wastewater Treatment System facility intended or used for the disposal of sewage that is not in compliance with current County requirements for on-site wastewater treatment systems.~~

Existing on-site wastewater treatment systems within the District boundaries that meet County Code requirements for new systems or for which continued use is allowed under County requirements, may be maintained or repaired as authorized by County requirements, or replaced in the same location or another County approved location, but may not be expanded to add capacity. Any replacement of such systems must be with a system that meets current County Code requirements for new systems.

Graywater systems, and other Alternate Water Source systems, as defined in Chapter 16 of the California Plumbing Code, and complying with current County requirements, are not subject to this Section 3.04.

New on-site wastewater treatment systems may be constructed and maintained within the District boundaries under the following conditions:

1. The facilities shall be in compliance with current County requirements and not increase capacity, and
2. The facilities shall be constructed under a permit issued by the Sonoma County Permit and Resource Management Department, and
3. The structure to be served is, or would be, more than 300 feet from a property line fronting a sewer main, and
4. The applicant shall sign and record, at the applicant's expense, an agreement with the District stating that when a new future public collector main sewer is constructed within a public right-of-way to within 300 feet of the structure(s), the owner of the structure(s) shall at their expense, obtain permits from the Sonoma County Permit and Resource Management Department, disconnect from, and abandon, the existing on-site system and reconnect to the new public collector main sewer in accordance with the District Standards, and
5. The General Manager, or the General Manager's delegated staff, shall issue a written finding of infeasibility of making connection to a public main sewer, the basis for the finding of infeasibility, and with a statement of not objecting to the Sonoma



County Permit and Resource Department’s issuance of a permit to allow construction of an on-site septic treatment and disposal facility conforming to County Standards. The finding of infeasibility shall be based on documentation provided by the Applicant demonstrating either economic hardship, technical infeasibility, or both.

**SECTION VI**

- A. If any portions of these Ordinances are for any reason held invalid by a court of competent jurisdiction, the remainder of the Ordinances, including application of such part or provisions to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of the Ordinances are severable.
- B. The Boards of Directors of the Sonoma County Water Agency and the County Sanitation Districts, County of Sonoma, hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subdivision, paragraph, sentence clause, or phrase are held unconstitutional, invalid or unenforceable.
- C. These Ordinances shall be effective thirty (30) days after adoption.

In regular session of the Boards of Directors of the Sonoma County Water Agency, Occidental County Sanitation District, Russian River County Sanitation District, and the South Park County Sanitation District, State of California, introduced on November 12, 2013, and adopted after an opportunity for public comment this 3rd day of December, 2013, on regular roll call of the members of said Boards by the following vote:

**DIRECTORS, SONOMA COUNTY WATER AGENCY, OCCIDENTAL COUNTY SANITATION DISTRICT, RUSSIAN RIVER COUNTY SANITATION DISTRICT, SOUTH PARK COUNTY SANITATION DISTRICT:**

|               |              |                 |                  |                 |
|---------------|--------------|-----------------|------------------|-----------------|
| <b>GORIN:</b> | <b>ZANE:</b> | <b>McGUIRE:</b> | <b>CARRILLO:</b> | <b>RABBITT:</b> |
|---------------|--------------|-----------------|------------------|-----------------|

|      |      |        |         |
|------|------|--------|---------|
| Ayes | Noes | Absent | Abstain |
|------|------|--------|---------|

**WHEREUPON**, the Chair declared the above and foregoing ordinances duly adopted and **SO ORDERED**.

By: \_\_\_\_\_  
Chair, Boards of Directors

In regular session of the Board of Directors of the Sonoma Valley County Sanitation District, State of California, introduced on November 12, 2013, and adopted after an opportunity for public comment this 3rd day of December, 2013,

on regular roll call of the members of said Board by the following vote:

**DIRECTORS, SONOMA VALLEY COUNTY SANITATION DISTRICT:**

|               |               |                 |         |
|---------------|---------------|-----------------|---------|
| <b>BROWN:</b> | <b>GORIN:</b> | <b>RABBITT:</b> |         |
| Ayes          | Noes          | Absent          | Abstain |

**WHEREUPON**, the Chair declared the above and foregoing ordinances duly adopted and **SO ORDERED**.

By: \_\_\_\_\_  
Chair, Board of Directors

ATTEST:

By: \_\_\_\_\_  
Clerk of the Boards

**[San Code Amendments – Clean Version]**

SONOMA COUNTY WATER AGENCY ORDINANCE NO. \_\_\_  
OCCIDENTAL COUNTY SANITATION DISTRICT ORDINANCE NO. \_\_\_  
RUSSIAN RIVER COUNTY SANITATION DISTRICT ORDINANCE NO. \_\_\_  
SONOMA VALLEY COUNTY SANITATION DISTRICT ORDINANCE NO. \_\_\_  
SOUTH PARK COUNTY SANITATION DISTRICT ORDINANCE NO. \_\_\_

AMENDMENTS TO THE SANITATION CODE ORDINANCES OF THE SONOMA COUNTY WATER AGENCY, OCCIDENTAL COUNTY SANITATION DISTRICT, RUSSIAN RIVER COUNTY SANITATION DISTRICT, SONOMA VALLEY COUNTY SANITATION DISTRICT, AND SOUTH PARK COUNTY SANITATION DISTRICT, TO (1) CLARIFY TERMS, APPLICATION OF TERMS, AND RESPONSIBILITIES OF THE GENERAL MANAGER, AND MODIFIES VARIANCE APPLICATION PROCEDURES; (2) ADD, MODIFY, AND DELETE CERTAIN DEFINITIONS, AND CORRECT TYPOGRAPHICAL ERRORS AND PUNCTUATION; (3) CLARIFY REQUIREMENTS AND APPLICATION OF THE ORDINANCES TO ONSITE WASTEWATER TREATMENT SYSTEMS; (4) ADD AND/OR MODIFY PROCEDURES FOR COMPLYING WITH SPECIFIED REQUIREMENTS; (5) ALLOW THE AGENCY AND DISTRICTS TO CONTRACT WITH NON-GOVERNMENTAL ENTITIES FOR WASTEWATER AND INDUSTRIAL WASTE MANAGEMENT AND DISPOSAL SERVICES; (6) CLARIFY TYPES OF WASTES THAT ARE PROHIBITED FROM BEING TRANSPORTED TO AGENCY/DISTRICT FACILITIES; (7) REVISE INFORMATION REQUIRED ON FORMS AND AUTHORIZE REQUIREMENT OF ADDITIONAL PLUMBING; (8) CHANGE DESIGNATION OF AUTHORIZED PERSONNEL; (9) CHANGE REQUIREMENTS AND PROCEDURES REGARDING COMPLIANCE SAMPLING, ANALYSIS AND REPORTING; (10) CHANGE PERMIT TERM, AND PERMIT PROVISIONS REGARDING MODIFICATION, DENIAL, REVOCATION OR SUSPENSION OF PERMITS; (11) CHANGE WASTE HAULER REQUIREMENTS AND CHANGE AREA FROM WHICH WASTE MAY BE HAULED TO INCLUDE ALL OF SONOMA COUNTY; (12) CHANGE REQUIREMENT FOR SIZING OF GREASE TRAPS AND PROVIDE SPECIFIED PROHIBITIONS; (13) ADD NEW SECTION “ARTICLE XI – MERCURY REDUCTION PROGRAM” TO ONLY THE SONOMA VALLEY COUNTY SANITATION DISTRICT SANITATION CODE; AND (14) MODIFY ARTICLE I, SECTION 1.02 “RULES AND REGULATIONS” OF ONLY THE SOUTH PARK COUNTY SANITATION DISTRICT SANITATION CODE TO ALLOW USE OF CITY OF SANTA ROSA SANITATION STANDARDS.

The Boards of Directors of the Sonoma County Water Agency (Agency) and the County Sanitation Districts (Districts), County of Sonoma, do ordain as follows:

## SECTION I

The Sonoma County Water Agency Sanitation Code Ordinance is amended to read:

A. Section I – Table of Contents is amended to read:

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B. Specified sections of Article I – General Provisions are amended to read:

**SECTION 1.02 – RULES AND REGULATIONS:** The following rules and regulations **setting forth uniform requirements** for wastewater contributors to the Agency's collection, treatment, and disposal systems, establishing terms and conditions for new and existing sewer services, and providing the policy and direction for the design, inspection, and construction of all sanitation works to be accepted, owned, and operated by the Agency, are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise, unless modified and adopted by ordinance or resolution, as applicable, by the Board of Directors of the Agency.

With respect to installation, alteration, or repair of sewer facilities, this Ordinance shall not, except as otherwise provided herein, apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein. However, this Ordinance shall apply retroactively with respect to sewer use as set forth in Articles VI, IX, and X.

**SECTION 1.06 – RELIEF ON VARIANCE APPLICATION:** When any person by reason of special circumstances is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his/her premises, he/she may make written application of a variance to the General Manager, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his/her premises.

Upon receipt of such variance application, the General Manager shall review the application. If the General Manager does not object to the granting of a variance, the General Manager shall set the matter for a hearing before the Board as soon as practicable after review of the application and in accordance with Board procedures, and give written notice thereof to the applicant. If the General Manager objects to the granting of a variance, the General Manager shall provide a written denial to the applicant. The applicant may appeal the denial to the Board by providing a written appeal to the General Manager within fourteen (14) days after receipt of the General Manager's written denial. Failure to appeal within this time frame shall constitute a waiver of the right to appeal. The appeal should include the applicant's arguments in support of the appeal. The General Manager shall then set the matter for hearing before the Board as soon as practicable in accordance with Board procedures. Whenever, in the judgment of the Board, it is unnecessary or unjust to require compliance with any provision of this title, the Board may grant a variance therefrom. In granting any such variance, the Board may impose any condition it determines is just and proper and will secure substantially the general objectives of this title. The application fee shall not exceed the administrative costs for processing the variance application and shall be calculated by the Agency and paid for by the applicant prior to the date of the Board hearing. Pending the hearing before the Board, the decision of the General Manager shall remain in full force and effect until acted on by the Board.

However, if such application is approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the variance application approved by the Board, but only to the extent compatible with State and Federal laws, rules, and regulations pertaining to wastewater facilities.

C. Specified sections of Article II – Definitions and Abbreviations are amended, deleted, or added to read

#### **SECTION 2.01 – DEFINITIONS:**

Building Sewer shall mean that portion of any sewer beginning at a point two (2) feet outside the foundation line of any building and running to the property line, public road/street right-of-way line, sewer easement right-of-way line, or to a private onsite wastewater treatment system.

Domestic Wastewater shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans. Domestic wastewater shall be of such character as to permit satisfactory disposal, without special treatment, into the public sewer system or by means of a private system. For the purpose of this definition, domestic wastewater shall have a BOD and suspended solids concentration of 300 milligrams per liter or less.

Environmental Compliance Inspector shall mean any person, delegated by the General Manager, who conducts inspections and investigations of commercial and industrial

facilities to ensure protection of the environment and compliance with Agency, local, state, and federal regulations.

Onsite Wastewater Treatment System(s) shall mean individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal. The short form of the term may be singular or plural. OWTS do not include “graywater” systems pursuant to Health and Safety Code Section 17922.12.

Pollution Prevention shall mean any action which causes a net reduction in the generation of hazardous and/or non-hazardous waste, and may also include any steps taken (a) before a hazardous waste is generated to lessen the properties which cause the waste to be classified as hazardous, or (b) to reduce pollutant loadings from all process discharges prior to disposal to a POTW.

Source Reduction - See Pollution Prevention

Significant Noncompliance (SNC) shall mean any violation of pretreatment standards or requirements as defined in 40 CFR 403.8(f)(2)(viii). SNC includes, but is not limited to, instances of chronic violations of wastewater discharge limits, slug discharges, violations of compliance schedule milestones, failure to provide compliance data, failure to follow Best Management Practices (BMPs), failure to accurately report noncompliance, or any other violation or group of violations.

Trunk Sewer Main – A Main Sewer to which no Lateral Sewers are allowed to connect. Only Main Sewers can connect to a Trunk Sewer Main. All connections to a Trunk Sewer Main shall be at a manhole.

### **SECTION 2.03 – ABBREVIATIONS:**

OWTS- Onsite Wastewater Treatment System(s)

D. Specified sections of Article III – General Conditions For Sewer Service are amended to read:

**SECTION 3.04 – UNLAWFUL DISPOSAL:** It shall be unlawful to construct or maintain within the Agency boundaries any privy, privy vault, cesspool, seepage pit, or any other type of Onsite Wastewater Treatment System that is not in compliance with current County requirements for on-site wastewater treatment systems.

Existing on-site wastewater treatment systems within the Agency boundaries that meet County Code requirements for new systems or for which continued use is allowed under County requirements, may be maintained or repaired as authorized by County requirements, or replaced in the same location or another County approved location, but

may not be expanded to add capacity. Any replacement of such systems must be with a system that meets current County Code requirements for new systems.

Graywater systems, and other Alternate Water Source systems, as defined in Chapter 16 of the California Plumbing Code, and complying with current County requirements, are not subject to this Section 3.04.

New on-site wastewater treatment systems may be constructed and maintained within the Agency boundaries under the following conditions:

1. The facilities shall be in compliance with current County requirements and not increase capacity, and
2. The facilities shall be constructed under a permit issued by the Sonoma County Permit and Resource Management Department, and
3. The structure to be served is, or would be, more than 300 feet from a property line fronting a sewer main, and
4. The applicant shall sign and record, at the applicant's expense, an agreement with the Agency stating that when a new future public collector main sewer is constructed within a public right-of-way to within 300 feet of the structure(s), the owner of the structure(s) shall at their expense, obtain permits from the Sonoma County Permit and Resource Management Department, disconnect from, and abandon, the existing on-site system and reconnect to the new public collector main sewer in accordance with the Agency Standards, and
5. The General Manager, or the General Manager's delegated staff, shall issue a written finding of infeasibility of making connection to a public main sewer, the basis for the finding of infeasibility, and with a statement of not objecting to the Sonoma County Permit and Resource Department's issuance of a permit to allow construction of an on-site septic treatment and disposal facility conforming to County Standards. The finding of infeasibility shall be based on documentation provided by the Applicant demonstrating either economic hardship, technical infeasibility, or both.

**SECTION 3.06 - SEWER REQUIRED:** The owner of any building situated within the Agency boundary and abutting on any street in which there is now located or may in the future be located a public sewer of the Agency is hereby required at his or her expense to connect said building directly with the proper public sewer, unless the building will discharge to the public sewer through a pretreatment system approved by the Agency in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, and provided that said public sewer is within three hundred (300) feet of the building.

**SECTION 3.09 - EACH UNIT TO HAVE SEWER LATERAL:** No sewer lateral shall be installed or provided for more than one living unit, commercial unit, or agricultural or industrial enterprise. However:

- A. The following facilities may be allowed to be served by a common sewer lateral upon receipt of a written request from the applicant:

1. A duplex, apartment, or other multiple-unit residential structure in undivided ownership.
2. A commercial or industrial structure in undivided ownership where use areas are not enclosed by permanent walls, provided that process and domestic waste stream would not come prior to the designated sampling point.
3. A structure or group of structures owned or exclusively occupied by a public entity or entities.
4. A residential condominium or similar complex of living units served under a contract between the Agency and a responsible owners' association for the complex.
5. An auxiliary structure, on a residentially zoned parcel, that is not a living unit (without cooking facilities), e.g. garage, workshop, pool house, artist studio, etc. Following receipt of the parcel owner's request letter, an acknowledgement document, prepared by the Agency from information provided by the owner's request letter will be sent to the property owner, and must be recorded by the property owner against the parcel of land to cover this arrangement.
6. A second dwelling unit (with cooking facilities) located on a single-family parcel in undivided ownership as an attached or detached unit. Following receipt of the parcel owner's request letter, an acknowledgement document, prepared by the Agency from information provided by the owner's request letter, will be sent to the property owner, and must be recorded by the property owner against the parcel of land to cover this arrangement.
7. A single structure consisting of multiple-parcels/units commercial office condominiums, each parcel/unit intended for individual ownership with each parcel/unit not discharging wastewater constituents of concern, as determined by the Agency, served under an agreement between the Agency and a sub-divider or responsible owners' association for the complex, and with the following additional requirements satisfied: The agreement shall include appropriate Agency-required changes to the Covenants, Conditions, and Restrictions for the structure, shall require revised, recorded title conveyance documents for each parcel/unit which include deed restrictions acceptable to the Agency restricting discharge only to wastewater constituents which are not of concern as defined in this Code and otherwise by the Agency, a recorded Terms and Conditions document signed by both the sub-divider, or responsible owners' association, and the General Manager or authorized delegated representative, and a recorded Covenant signed by both the sub-divider, or responsible owners' association, and the General Manager or authorized delegated representative. The sub-divider or responsible owners' association for the complex, shall pay a Sanitation Code Exception Document Processing Charge to reimburse the Agency for staff and County Counsel administrative costs for processing of the required documents associated with granting the Sanitation Code exception prior to signing of the Terms and



Conditions document and the Covenant document by the General Manager or authorized delegated representative. With these completed documents in place, and with payment by the sub-divider or owners' association of the Sanitation Code Exception Document Processing Charge, it will not be necessary for the sub-divider, owners' association, or individual owners, to obtain a variance from the Board of Directors.

- B. If two legal living units in separate structures on a single parcel are in single ownership where sewer service to both was granted prior to January 1, 1995, and both were legal living units at that time, they may continue to be served through a single sewer lateral where one user assumes responsibility for all service to such parcel. An acknowledgement document per Section 3.09A, Paragraph 6 must be recorded against the parcel if there is a change in ownership after January 1, 1995.

**SECTION 3.25 - SEWER SERVICE FOR A SINGLE STRUCTURE:** Where a single structure is to be served, the side sewer must proceed from the Agency main along such a course so as to avoid traversing a parcel of separate ownership lying between such structure and the Agency main, unless the General Manager, or the General Manager's delegated staff, makes a written finding that traversing such parcel is necessary due to physical restrictions, technical feasibility or safety issues, and a permanent property interest in the traversed parcel for placement, maintenance, and replacement of the side sewer is conveyed to the property of the structure being served and such property interest is recorded.

**SECTION 3.26 - SEWER SERVICE FOR TWO OR MORE STRUCTURES:** Where two or more structures are to be served on land under single ownership, separate sewer laterals shall run from the Agency main substantially at a right angle to each such structure, except as allowed by Sections 3.06, 3.09, and 3.25.

**SECTION 3.31 - AGREEMENTS WITH OTHER AGENCIES FOR SANITATION SERVICE:** The Agency may contract in accordance with the terms and conditions of the California Health and Safety Code, Section 4742.1, with a district, city, governmental agency, person, or other entity, for the handling, treatment, or disposal by the Agency of wastewater or industrial waste when, in the judgment of the Agency Board, it is in the best interest of the Agency to do so, upon such terms and conditions as may be agreed upon, provided that the Agency facility to be utilized has the capacity for handling, treatment or disposal of such waste, and that the contracting user pays, as required by Agency, State and/or Federal requirements or law, its proportionate share of the cost of such treatment, handling, and disposal.

- E. Specified sections of Article IV – Terms And Conditions For Construction of Sanitation Facilities are amended to read:

**SECTION 4.20 - APPROVAL REQUIREMENT--CLOSED CIRCUIT TELEVISION:** Prior to the Agency's acceptance of construction work as being completed, pursuant to this Ordinance, the permittee shall prepare a closed circuit television inspection of all mains, lateral, and building sewers for which permit(s) were issued, and shall provide a copy of

the video tape to the Agency for review and approval of completed work, all in accordance with the most current revision of the Sonoma County Water Agency's Design and Construction Standards for Sanitation Facilities.

F. Specified sections of Article VI – Source Control Program are amended to read:

**SECTION 6.05 – PROHIBITED SUBSTANCES OR CHARACTERISTICS:** A user shall not discharge, or cause to be discharged, directly or indirectly to an Agency facility any of the following:

M. Any septic tank waste, holding tank waste, portable toilet waste, unless a permit is issued by the Agency and unless such sludge or waste is transported to the Agency by a permitted waste hauler in accordance with the regulations set forth in Article 9 of this Ordinance. Grease waste of animal, vegetable or petroleum origin, and oil and sand interceptor or trap waste is prohibited to be hauled in or discharged to any Agency facility.

**SECTION 6.15 – RESPONSIBILITY OF USERS:** It shall be the responsibility of the user and/or discharger to comply with all of the provisions of this Ordinance. The omission to act by the Agency and/or the failure of the Agency to take cognizance of the nature of the operation of the user and/or the properties of the user's wastewater shall not relieve the user of responsibility to comply with the conditions of this Ordinance including, but not limited to, such requirements regarding permitting, pretreatment, monitoring, and reporting. It shall be the responsibility of the user to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under this Ordinance prior to any discharge of wastewater, whether or not the user has been informed by the Agency of the requirements which may apply to the user regarding its discharge.

All New Source, New Industrial User, New User, or users proposing to change the use of a commercial facility, shall complete a Survey for Commercial/Industrial Wastewater Discharge Requirements. Upon review of the Survey, the Agency may require the industrial user to apply for an Industrial Wastewater Discharge Permit, install pretreatment equipment (monitoring manholes, grease interceptors, etc.), and/or additional plumbing such as, separate process waste and sanitary waste lines. Industrial users currently connected or contributing to the Agency's sanitary sewer system, or who propose to connect or contribute to the Agency's sanitary sewer system, must obtain a wastewater discharge permit. The Agency may waive the wastewater discharge permit requirement for industrial users contributing only domestic wastewaters (wastewaters from restrooms, drinking fountains, showers, or air conditioners used for human comfort), or industrial users that are determined by the Agency to have an insignificant impact on the Agency's facilities. This waiver shall not relieve an industrial user of the responsibility to comply with the conditions of this Ordinance. All existing industrial users connected to or contributing to the Agency's sanitary sewer system and having a current wastewater discharge permit shall be required to obtain a new permit or permit contract upon the expiration of their existing permit.

In order that employees of users be informed of Agency requirements, users shall make available to their employees copies of this Ordinance, together with such other wastewater information and notices which may be furnished by the Agency from time to time directed toward more effective water pollution control.

### **SECTION 6.16 - USER CLASSIFICATIONS (CATEGORIES):**

3. Special Discharge/Groundwater Remediation User: Users in this classification discharge wastewater to the sanitary sewer system generated by the following: operations associated with remediation of soil and/or groundwater contaminated by leaking underground storage tanks; construction site dewatering; or other industrial operations in which there is no other acceptable or reasonable alternative for disposal. If pretreatment of the wastewater by the IU is required in order to bring the discharge into compliance with the Agency's specific pollutant limitations, such pretreatment will be specified in the (temporary) permit issued by the Agency pursuant to Section 6.18.
4. Waste Haulers: Users in this classification shall apply for and receive a Waste Hauler Discharge Permit pursuant to Article IX of the Sanitation Code prior to discharging any wastewater to the Agency's facilities. Wastewater discharged to the Agency's facilities by permitted Waste Haulers is limited to the following: domestic septage; and special batch loads of wastewater that have been sampled and analyzed in accordance with the Agency's requirements and have been approved by the Agency's Environmental Compliance Inspector or Water Agency Coordinator - Environmental Services.

All users are subject to the prohibitions set forth in this Ordinance, with such Federal and State statutes and regulations as may apply, and the specific pollutant limitations as may be promulgated by the Agency Board either by ordinance or resolution.

Domestic users under normal circumstances will not be required to apply for or receive a wastewater discharge permit as defined in this Ordinance, providing that said domestic user discharges only that wastewater which is consistent with the definition of domestic wastewater set forth herein.

### **SECTION 6.18 - ACCEPTANCE OF WASTEWATER FROM REMEDIATION PROJECTS:**

Wastewater generated from the cleanup of spills, leaking underground storage tanks, contaminated soil or groundwater, monitoring wells, or other similar sources shall not be discharged through direct or indirect connection to the Agency's sewer system unless a temporary or wastewater discharge permit as defined in Section 6.16, User Classifications, is issued by the Agency. The Agency will approve the discharge of such wastewater and issue such a permit only when, in its judgment, no reasonable alternative method of disposal is available and Agency's facilities will not be significantly affected.

Whenever the discharge of such wastewater is proposed, the applicant shall submit an analysis of the nature of the proposed discharge and alternative methods of disposal

available, together with justification indicating that there is no reasonable alternative to discharge to the sewer system. Such analysis shall deal with environmental and liability factors, as well as financial impacts.

The applicant's analysis of alternative methods of disposal, and the above-described comprehensive report (if required), shall be submitted to the Agency's Environmental Services Inspector or Water Agency Coordinator - Environmental Services for a decision on whether or not a temporary discharge permit will be issued.

If a temporary discharge permit is granted for the discharge of such wastewater, the user shall pay such fees and charges and meet such special conditions and requirements as determined by the Agency to specifically apply for that particular discharge. Such temporary discharge permit shall be classified into one of the categories as defined in Section 6.16.

#### **SECTION 6.27 - WASTEWATER DISCHARGE PERMIT FEES:**

D. Permit Monitoring and Inspection Fee: The Permit Monitoring and Inspection Fee, upon being established by separate ordinance, will recover the Agency's costs based on an estimate of the costs of routine monitoring for compliance and periodic inspection of the permittee's processes during the life of the permit. The Permit Monitoring and Inspection Fee will vary from permit to permit and will depend on the frequency of the monitoring and cost of the necessary laboratory tests to verify compliance with the permit conditions. This fee may be billed directly to the permittee in advance and is payable within fifteen (15) days from the date of invoice.

**SECTION 6.32 - PERIODIC COMPLIANCE REPORTS:** Categorical Users and Significant Industrial Users shall submit a report to the Agency twice a year or more frequently as specified in the permit or permit contract. Other Industrial Users may be required to submit periodic compliance reports depending on the nature of their discharge. Periodic compliance reports shall be submitted within fifteen (15) days of receipt of the laboratory report. The compliance report shall contain such information as may be deemed by the Agency to be necessary to ensure compliance with the provisions of this Ordinance. Compliance reports shall, at a minimum, contain the following:

- A. The nature and concentration of pollutants which are limited by pretreatment standards or requirements, or which are specified in the permit or permit contract for each regulated waste stream.
- B. A record of average daily flow for the reporting period for each regulated waste stream.
- C. Such other wastewater effluent data as the user has obtained since the last compliance report, whether or not that data is specifically required by the user's permit or permit contract.

- D. Methods utilized by the user in collecting the wastewater sample for analysis including, but not limited to, the sampling device(s) used, the sampling period, the amount of each sample collected, sample handling and preservation techniques used, and date of sample delivery to the laboratory for analysis.
- E. In the event a sample from a periodic compliance report indicates that a constituent is in violation of the allowable concentration levels as set forth in the user's permit or permit contract, the user shall inform the Agency within the next business day following the discovery of the violation, repeat the sampling and pollutant analysis for the parameter in violation, and submit in writing the results of this second analysis within thirty (30) days of the discovery of the first violation. The initial sampling and analysis report shall be submitted within fifteen (15) days of the initial sampling date with a cover report setting forth the causes of the violation, the remedial actions taken to date in regard to the violation, and the scheduled additional actions which will be implemented to prevent a reoccurrence.

The Agency may also at any time require a signed statement by the user setting forth management practices and/or material usage practices which have an effect on the nature, volume, and quality of the wastewater discharge and/or which potentially will affect the ability to comply with pretreatment standards requirements.

The Agency may impose mass limitations on users where the imposition of mass limitations is appropriate. In such cases, the report required under subparagraph (A) above shall indicate the mass of pollutants regulated by pretreatment standards or requirements in the effluent of the user. These reports shall contain the results of all sampling and analysis of the discharge including the flow, concentration, and mass of pollutants regulated by the applicable pretreatment standard or requirement. The user shall provide the actual average production rate of the regulated processes during the reporting period.

G. Specified sections of Article IX – Waste Hauler Program are amended to read:

**SECTION 9.01 - PERMISSIBLE WASTE HAULER DISCHARGES:** The Board finds that it is in the best interest of the citizens of Sonoma County in general, and in the best interests of the health and sanitation of the constituents of the Agency, that the Agency receive certain trucked-in waste at the treatment plant for disposal. It is the intent of the Board that the treatment facility shall only be used for the disposal of waste which are compatible with the treatment plant process and the continued operation of the treatment plant as a non-RCRA or non-hazardous waste disposal facility. Therefore, it is the intent of this Ordinance to prohibit the discharge from waste haulers of any hazardous waste as may be defined by either Federal or State statute and regulation, whichever is more stringent; and further, to prohibit all such waste as is prohibited within Article 6 of this Ordinance, when such waste is trucked to the Agency and discharged pursuant to the Agency's waste hauler program.

**SECTION 9.02 - WASTE HAULER DISCHARGE PERMIT:**

- A. Permit Term: The General Manager or the General Manager's delegated staff shall have the authority to issue waste hauler discharge permits for a period of two (2) years, with such permits being renewable on further application from the permittee for additional two (2) year periods upon favorable review by the General Manager or the General Manager's delegated staff. The Hauler shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the Hauler's existing permit.
- B. Permit Conditions: The General Manager or General Manager's delegated staff may prescribe such requirements as may be reasonable to ensure the carrying out of the purpose and polices of this Ordinance, as well as the stated purpose of the waste hauler program as set forth herein. The conditions upon which a waste hauler's discharge permit may be issued shall include, but not be limited to, the following:
1. Proof of a Sonoma County Health Department Waste Hauler Registration and Public Health License.
  2. Certification that the applicant has not been subject to any substantial enforcement actions relating to public health, waste hauling, and/or hazardous waste handling.
  3. Provision of a list with license numbers of each vehicle which hauler proposes to use for discharge of waste at Agency facilities.
  4. Certification that waste hauler has in place, and will maintain, vehicle insurance coverage which insures the hauler and the Agency against claims of personal injury and property damage (said minimum limits and coverage requirements may from time to time be set forth by the Agency).
  5. The furnishing of a cash deposit or other security acceptable to the Agency in an amount set by the Board.
- C. Modification, Denial, Revocation, or Suspension of Permit: The issuance of a waste hauler permit creates a conditional privilege to discharge. It does not create property rights (including real, personal, or intangible personal property rights), nor a vested irrevocable right or privilege. The terms and conditions of the permit may be subject to modification by the Agency during the term of the permit as limitations or requirements are modified or other just cause exists. The hauler shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change. The conditions under which a wastewater hauler permit may be denied, revoked, or suspended by the Agency include, but are not limited to, the following:
1. Acceptance of the hauled waste would cause or threaten to cause the Agency to violate its National Pollutant Discharge Elimination System (NPDES) permit, Waste Discharge Requirements (WDR's), or the receiving water quality standards or other regulations.

2. POTW's trucked waste receiving station and/or monitoring systems are unavailable, out of service or incompatible with the trucked waste material.
3. Substantial enforcement action taken by the Agency or another agency related to public health, waste hauling, and/or hazardous waste handling.
4. Failure of the waste hauler to comply with Federal, State, or Agency regulations and laws or permit conditions.
5. Termination of the waste hauler's vehicle insurance or reduction in coverage to a level below that required by the Agency.
6. Disposal of waste in an unlawful manner, whether within or outside the Agency.
7. Failure of the waste hauler to comply with the permit, wastewater handling and disposal, and reporting requirements of the Sonoma County Health Services Department.
8. Knowingly or negligently providing false information on any application, permit, or manifest form.
9. Disposing of any waste load to Agency facilities which originated outside the County.
10. Failure of the waste hauler to pay any fees, charges, or penalties assessed by the Agency.
11. Expiration, revocation, or suspension of Sonoma County Health Services Department Waste Hauler Registration or Public Health license.
12. Failure to deposit or maintain the required cash deposit.

**SECTION 9.03 – SECURITY - CASH DEPOSIT:** The Board finds that in order to ensure compliance of each waste hauler with the provisions of this Ordinance, and to further ensure payment of fees and charges for the discharge of trucked-in waste, a cash deposit, or other security acceptable to the Agency, shall be required of each permittee. The cash deposit shall be in an amount of one thousand dollars (\$1,000.00). However, if the General Manager determines the cash deposit should be increased in order to protect the interest of the Agency based on the nature of the current operations of a permittee or the prior history of compliance with the waste hauler program requirements, then the General Manager may increase such cash deposit or security to an amount sufficient to protect the interests of the Agency. The security amount shall not exceed five thousand dollars (\$5,000) without prior Board approval of said security amount. All security cash deposits shall be returned to hauler upon termination of permit, less any amounts used by Agency to cover costs necessary to correct permittee's non-compliance with this Ordinance, and provided there are no outstanding permit violations and hauler has complied with this Ordinance and all permit conditions. In the case of such violations or

non-compliance, the remainder of any security cash deposit shall be returned once such violations or non-compliance have been corrected. Waste hauler shall remain independently liable for any permit violations or non-compliance with this Ordinance regardless of whether a security deposit is provided, withheld, or returned.

**SECTION 9.06 - REGULATION OF PROCEDURES:** The Agency shall adopt such procedures as may be appropriate for the implementation of the waste hauler program. These procedures may include, but not be limited to, regulation of the times for discharge, designated discharge location, the amounts of discharge, and manner of discharge. The procedures may also include requirements such as laboratory testing of samples of the waste prior to discharge and procedures for reporting of the ultimate disposal location for waste which are not accepted at an Agency facility due to being rejected on the basis of a sampling analysis of its constituents.

**SECTION 9.08 - SONOMA COUNTY LIMITATION:** The Agency Board finds that it is not in the best interest of the Agency to accept trucked waste from locations which are not within Sonoma County. Therefore, the Board finds that the Agency shall only accept trucked-in waste pursuant to the provisions set forth herein and procedures established by the General Manager or the General Manager's delegated staff for trucked waste to the extent such waste is produced within, or emanates from, locations within Sonoma County.

H. Specified sections of Article X – Grease, Oil, And Sand Interceptor Program are amended to read:

**SECTION 10.01 - GREASE TRAPS AND OIL AND SAND INTERCEPTORS:** All non-domestic users, including restaurants, gas stations, and auto repair establishments with floor drains located in service areas and auto or vehicle washing facilities, shall be required to install and maintain a grease, oil, and sand interceptor at the user's own expense when the General Manager finds that it is necessary for the proper handling of (a) liquid waste containing grease, (b) flammable wastes, (c) sand, or (d) other harmful constituents which may be properly eliminated from the sewerage system by use of an interceptor or trap. An interceptor is not required for a building used solely for residential purposes so long as there exists no common food preparation facility. An interceptor shall be required when the wastewater flow from the building is anticipated to contain grease, flammable substances, sand, or other harmful ingredients in amounts or concentrations which, in the discretion of the Agency, present the possibility of causing or contributing to the fouling of, or the blockage of, or other damage to the Agency sewerage system.

Proper sizing, selection, and installation of grease traps and interceptors shall be in accordance with the most recent Uniform Plumbing Code. The minimum size requirement for grease traps shall be 35 gallons per minute/70 pound capacity. Oil and sand interceptors shall be situated on the user's premises and shall be so located as to be readily and easily accessible for cleaning and inspection. A sampling box or other appropriate sampling structure, as specified by the Agency, shall be installed and located



immediately downstream of the user’s oil and sand interceptor. Buildings remodeled for use requiring interceptors shall also be subject to these regulations.

Wastewater discharges from fixtures and equipment in the above-mentioned types of establishments which may contain grease, oil, sand, or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through grease traps and oil and sand interceptors where approved by the General Manager or the General Manager’s delegated staff; provided, however, that toilets, urinals, washbasins, and other fixtures containing fecal materials shall not flow through the grease trap or interceptor. Toxic substances concentrations in excess of Ordinance limits shall not be discharged into grease traps and interceptors.

Grease traps and oil and sand interceptors shall be maintained by the user in efficient operating condition by periodic removal of the accumulated grease, oil, or sand. Grease and oil interceptors shall be cleaned by a licensed and permitted waste hauler on a periodic basis as determined by the Agency so as to assure that the interceptor will operate as designed at all times. The use of chemicals, enzymes or additives to dissolve grease or oil is specifically prohibited. No such accumulated grease, oil, or sand shall be introduced into any drainage piping or public or private sewer.

Abandoned oil and sand interceptors shall be emptied and filled with suitable material as determined by the General Manager, the General Manager’s delegated staff, or the County of Sonoma Environmental Health Department.

**SECTION II**

The Occidental County Sanitation District Sanitation Code Ordinance, the Russian River County Sanitation District Sanitation Code Ordinance, the Sonoma Valley County Sanitation District Sanitation Code Ordinance, and the South Park County Sanitation District Sanitation Code Ordinance are amended to read as follow:

A. Section 1 - Table of Contents are amended to read:

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B. Specified sections of Article I – General Provisions are amended to read:

**SECTION 1.02 – RULES AND REGULATIONS:** The following rules and regulations setting forth uniform requirements for wastewater contributors to the District’s collection, treatment, and disposal systems; establishing terms and conditions for new and existing sewer services, and providing the policy and direction for the design, inspection, and construction of all sanitation works to be accepted, owned, and operated by the District, are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise, unless modified and adopted by ordinance or resolution, as applicable, by the Board of Directors of the District.

With respect to installation, alteration, or repair of sewer facilities, this Ordinance shall not, except as otherwise provided herein, apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein. However, this Ordinance shall apply retroactively with respect to sewer use as set forth in Articles VI, IX, and X.

**SECTION 1.06 – RELIEF ON VARIANCE APPLICATION:** When any person by reason of special circumstances is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his/her premises, he/she may make written application of a variance to the General Manager, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his/her premises.

Upon receipt of such variance application, the General Manager shall review the application. If the General Manager does not object to the granting of a variance, the General Manager shall set the matter for a hearing before the Board as soon as practicable after review of the application and in accordance with Board procedures, and give written notice thereof to the applicant. If the General Manager objects to the granting of a variance, the General Manager shall provide a written denial to the applicant. The applicant may appeal the denial to the Board by providing a written appeal to the General Manager within fourteen (14) days after receipt of the General Manager’s written denial. Failure to appeal within this time frame shall constitute a waiver of the right to appeal. The appeal should include the applicant’s arguments in support of the appeal. The General Manager shall then set the matter for hearing before the Board as soon as practicable in accordance with Board procedures. Whenever, in the judgment of the Board, it is unnecessary or unjust to require compliance with any provision of this title, the Board may grant a variance therefrom. In granting any such variance, the Board may impose any condition it determines is just and proper and will secure substantially the general objectives of this title. The application fee shall not exceed the administrative costs for processing the variance application and shall be calculated by the District and paid for by the applicant prior to the date of the Board hearing. Pending the hearing before the Board, the decision of the General Manager shall remain in full force and effect until acted on by the Board.

However, if such application is approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the variance application approved by the Board, but only to the extent compatible with State and Federal laws, rules, and regulations pertaining to wastewater facilities.

C. Specified sections of Article II – Definitions and Abbreviations are amended, deleted, and added to read:

**SECTION 2.01 – DEFINITIONS:**

Building Sewer shall mean that portion of any sewer beginning at a point two (2) feet outside the foundation line of any building and running to the property line, public road/street right-of-way line, sewer easement right-of-way line, or to a private onsite wastewater treatment system.

Domestic Wastewater shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans. Domestic wastewater shall be of such character as to permit satisfactory disposal, without special treatment, into the public sewer system or by means of a private onsite wastewater treatment system. For the purpose of this definition, domestic wastewater shall have a BOD and suspended solids concentration of 300 milligrams per liter or less.

Environmental Compliance Inspector shall mean any person, delegated by the GM, who conducts inspections and investigations of industrial pretreatment facilities to ensure protection of the environment and compliance with agency, local, state, and federal regulations.

Pollution Prevention shall mean any action which causes a net reduction in the generation of hazardous and/or non-hazardous waste, and may also include any steps taken (a) before a hazardous waste is generated to lessen the properties which cause the waste to be classified as hazardous, or (b) to reduce pollutant loadings from all process discharges prior to disposal to a POTW.

Significant Noncompliance (SNC) shall mean any violation of pretreatment standards or requirements as defined in 40 CFR 403.8(f)(2)(viii). SNC includes, but is not limited to, instances of chronic violations of wastewater discharge limits, slug discharges, violations of compliance schedule milestones, failure to provide compliance data, failure to follow Best Management Practices (BMPs), failure to accurately report noncompliance, or any other violation or group of violations.

Source Reduction - See Pollution Prevention

Trunk Sewer Main – A Main Sewer to which no Lateral Sewers are allowed to connect. Only Main Sewers can connect to a Trunk Sewer Main. All connections to a Trunk Sewer Main shall be at a manhole.

D. Specified sections of Article III – General Conditions For Sewer Service are amended to read:

**SECTION 3.06 - SEWER REQUIRED:** The owner of any building situated within the District boundary and abutting on any street in which there is now located or may in the future be located a public sewer of the District is hereby required at his or her expense to connect said building directly with the proper public sewer, unless the building will discharge to the public sewer through a pretreatment system approved by the District, in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, and provided that said public sewer is within three hundred (300) feet of the building.

**SECTION 3.09 - EACH UNIT TO HAVE SEWER LATERAL:** No sewer lateral shall be installed or provided for more than one living unit, commercial unit, or agricultural or industrial enterprise. However:

- A. The following facilities may be allowed to be served by a common sewer lateral upon receipt of a written request from the applicant:
1. A duplex, apartment, or other multiple-unit residential structure in undivided ownership.
  2. A commercial or industrial structure in undivided ownership where use areas are not enclosed by permanent walls, provided that process and domestic waste stream would not comingle prior to the designated sampling point.
  3. A structure or group of structures owned or exclusively occupied by a public entity or entities.
  4. A residential condominium or similar complex of living units served under a contract between the District and a responsible owners' association for the complex.
  5. An auxiliary structure, on a residentially zoned parcel, that is not a living unit (without cooking facilities), e.g. garage, workshop, pool house, artist studio, etc. Following receipt of the parcel owner's request letter, an acknowledgement document, prepared by the District from information provided by the owner's request letter will be sent to the property owner, and must be recorded by the property owner against the parcel of land to cover this arrangement.
  6. A second dwelling unit (with cooking facilities) located on a single-family parcel in undivided ownership as an attached or detached unit. Following receipt of the parcel owner's request letter, an acknowledgement document, prepared by the District from information provided by the owner's request letter, will be sent to the property owner, and must be recorded by the property owner against the parcel of land to cover this arrangement.

7. A single structure consisting of multiple-parcels/units commercial office condominiums, each parcel/unit intended for individual ownership with each parcel/unit not discharging wastewater constituents of concern, as determined by the District, served under an agreement between the District and a sub-divider or responsible owners' association for the complex, and with the following additional requirements satisfied: The agreement shall include appropriate District-required changes to the Covenants, Conditions, and Restrictions for the structure, shall require revised, recorded title conveyance documents for each parcel/unit which include deed restrictions acceptable to the District restricting discharge only to wastewater constituents which are not of concern as defined in this Code and otherwise by the District, a recorded Terms and Conditions document signed by both the sub-divider, or responsible owners' association, and the General Manager or authorized delegated representative, and a recorded Covenant signed by both the sub-divider, or responsible owners' association, and the General Manager or authorized delegated representative. The sub-divider or responsible owners' association for the complex, shall pay a Sanitation Code Exception Document Processing Charge to reimburse the District for staff and County Counsel administrative costs for processing of the required documents associated with granting the Sanitation Code exception prior to signing of the Terms and Conditions document and the Covenant document by the General Manager or authorized delegated representative. With these completed documents in place, and with payment by the sub-divider or owners' association of the Sanitation Code Exception Document Processing Charge, it will not be necessary for the sub-divider, owners' association, or individual owners, to obtain a variance from the Board of Directors.

B. If two legal living units in separate structures on a single parcel are in single ownership where sewer service to both was granted prior to January 1, 1995, and both were legal living units at that time, they may continue to be served through a single sewer lateral where one user assumes responsibility for all service to such parcel. An acknowledgement document per Section 3.09A, Paragraph 6 must be recorded against the parcel if there is a change in ownership after January 1, 1995.

**SECTION 3.25 - SEWER SERVICE FOR A SINGLE STRUCTURE:** Where a single structure is to be served, the side sewer must proceed from the District main along such a course so as to avoid traversing a parcel of separate ownership lying between such structure and the District main, unless the General Manager, or the General Manager's delegated staff, makes a written finding that traversing such parcel is necessary due to physical restriction, technical feasibility or safety issues, and a permanent property interest in the traversed parcel for placement, maintenance, and replacement of the side sewer is conveyed to the property of the structure being served and such property interest is recorded.

**SECTION 3.26 - SEWER SERVICE FOR TWO OR MORE STRUCTURES:** Where two or more structures are to be served on land under single ownership, separate sewer

laterals shall run from the District main substantially at a right angle to each such structure, except as allowed by Sections 3.06, 3.09, and 3.25.

**SECTION 3.31 - AGREEMENTS WITH OTHER AGENCIES FOR SANITATION**

**SERVICE:** The District may contract in accordance with the terms and conditions of the California Health and Safety Code, Section 4742.1, with a district, city, governmental agency, person, or other entities, for the handling, treatment, or disposal by the District of wastewater or industrial waste when, in the judgment of the District Board, it is in the best interest of the District to do so, upon such terms and conditions as may be agreed upon, provided that the District facility to be utilized has the capacity for handling, treatment or disposal of such waste, and that the contracting user pays, as required by District, State and/or Federal requirements or law, its proportionate share of the cost of such treatment, handling, and disposal.

E. Specified sections of Article IV – Terms And Conditions For Construction of Sanitation Facilities are amended to read:

**SECTION 4.20 - APPROVAL REQUIREMENT - CLOSED CIRCUIT TELEVISION:**

Prior to the District's acceptance of construction work as being completed, pursuant to this Ordinance, the permittee shall prepare a closed circuit television inspection of all mains, lateral, and building sewers for which permit(s) were issued in accordance with the most current revision of the Sonoma County Water Agency's Design and Construction Standards for Sanitation Facilities.

F. Specified sections of Article VI – Source Control Program are amended to read:

**SECTION 6.05 – PROHIBITED SUBSTANCES OR CHARACTERISTICS:** A user shall not discharge, or cause to be discharged, directly or indirectly to a District facility any of the following:

M. Any septic tank waste, holding tank waste, portable toilet waste, unless a permit is issued by the District and unless such sludge or waste is transported to the District by a permitted waste hauler in accordance with the regulations set forth in Article 9 of this Ordinance. Grease waste of animal, vegetable or petroleum origin, and oil and sand interceptor or trap waste is prohibited to be hauled in or discharged to any District facility.

**SECTION 6.15 – RESPONSIBILITY OF USERS:** It shall be the responsibility of the user and/or discharger to comply with all of the provisions of this Ordinance. The omission to act by the District and/or the failure of the District to take cognizance of the nature of the operation of the user and/or the properties of the user's wastewater shall not relieve the user of responsibility to comply with the conditions of this Ordinance including, but not limited to, such requirements regarding permitting, pretreatment, monitoring, and reporting. It shall be the responsibility of the user to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under this Ordinance prior to any discharge of wastewater, whether or not the user has been

informed by the District of the requirements which may apply to the user regarding its discharge.

All New Source, New Industrial User, New User, or users proposing to change the use of a commercial facility, shall complete a Survey for Commercial/Industrial Wastewater Discharge Requirements. Upon review of the Survey, the District may require the industrial user to apply for an Industrial Wastewater Discharge Permit, install pretreatment equipment (monitoring manholes, grease interceptors, etc.), and/or additional plumbing such as, separate process waste and sanitary waste lines. Industrial users currently connected or contributing to the District's sanitary sewer system, or who propose to connect or contribute to the District's sanitary sewer system, must obtain a wastewater discharge permit. The District may waive the wastewater discharge permit requirement for industrial users contributing only domestic wastewaters (wastewaters from restrooms, drinking fountains, showers, or air conditioners used for human comfort), or industrial users that are determined by the District to have an insignificant impact on the District's facilities. This waiver shall not relieve an industrial user of the responsibility to comply with the conditions of this Ordinance. All existing industrial users connected to or contributing to the District's sanitary sewer system and having a current wastewater discharge permit shall be required to obtain a new permit or permit contract upon the expiration of their existing permit.

In order that employees of users be informed of District requirements, users shall make available to their employees copies of this Ordinance, together with such other wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution control.

### **SECTION 6.16 - USER CLASSIFICATIONS (CATEGORIES):**

3. Special Discharge/Groundwater Remediation User: Users in this classification discharge wastewater to the sanitary sewer system generated by the following: operations associated with remediation of soil and/or groundwater contaminated by leaking underground storage tanks; construction site dewatering; or other industrial operations in which there is no other acceptable or reasonable alternative for disposal. If pretreatment of the wastewater by the IU is required in order to bring the discharge into compliance with the District's specific pollutant limitations, such pretreatment will be specified in the (temporary) permit issued by the District pursuant to Section 6.18.
4. Waste Haulers: Users in this classification shall apply for and receive a Waste Hauler Discharge Permit pursuant to Article IX of the Sanitation Code prior to discharging any wastewater to the District's facilities. Wastewater discharged to the District's facilities by permitted Waste Haulers is limited to the following: domestic septage; and special batch loads of wastewater that have been sampled and analyzed in accordance with the District's requirements and have been approved by the District's -Environmental Compliance Inspector or Water Agency Coordinator - Environmental Services.

All users are subject to the prohibitions set forth in this Ordinance, with such Federal and State statutes and regulations as may apply, and the specific pollutant limitations as may be promulgated by the District Board either by ordinance or resolution.

Domestic users under normal circumstances will not be required to apply for or receive a wastewater discharge permit as defined in this Ordinance, providing that said domestic user discharges only that wastewater which is consistent with the definition of domestic wastewater set forth herein.

### **SECTION 6.18 - ACCEPTANCE OF WASTEWATER FROM REMEDIATION PROJECTS:**

Wastewater generated from the cleanup of spills, leaking underground storage tanks, contaminated soil or groundwater, monitoring wells, or other similar sources shall not be discharged through direct or indirect connection to the District's sewer system unless a temporary or wastewater discharge permit as defined in Section 6.16, User Classifications, is issued by the District. The District will approve the discharge of such wastewater and issue such a permit only when, in its judgment, no reasonable alternative method of disposal is available and District's facilities will not be significantly affected.

Whenever the discharge of such wastewater is proposed, the applicant shall submit an analysis of the nature of the proposed discharge and alternative methods of disposal available, together with justification indicating that there is no reasonable alternative to discharge to the sewer system. Such analysis shall deal with environmental and liability factors, as well as financial impacts.

The applicant's analysis of alternative methods of disposal, and the above-described comprehensive report (if required), shall be submitted to the District's Environmental Services Inspector or Water Agency Coordinator - Environmental Services for a decision on whether or not a temporary discharge permit will be issued.

If a temporary discharge permit is granted for the discharge of such wastewater, the user shall pay such fees and charges and meet such special conditions and requirements as determined by the District to specifically apply for that particular discharge. Such temporary discharge permit shall be classified into one of the categories as defined in Section 6.16.

### **SECTION 6.27 - WASTEWATER DISCHARGE PERMIT FEES:**

D. Permit Monitoring and Inspection Fee: The Permit Monitoring and Inspection Fee, upon being established by separate ordinance, will recover the District's costs based on an estimate of the costs of routine monitoring for compliance and periodic inspection of the permittee's processes during the life of the permit. The Permit Monitoring and Inspection Fee will vary from permit to permit and will depend on the frequency of the monitoring and cost of the necessary laboratory tests to verify compliance with the permit conditions. This fee may be billed directly to the permittee in advance and is payable within fifteen (15) days from the date of invoice.



**SECTION 6.32 - PERIODIC COMPLIANCE REPORTS:** Categorical Users and Significant Industrial Users shall submit a report to the District twice a year or more frequently as specified in the permit or permit contract. Other Industrial Users may be required to submit periodic compliance reports depending on the nature of their discharge. Periodic compliance reports shall be submitted within fifteen (15) days of receipt of the laboratory report. The compliance report shall contain such information as may be deemed by the District to be necessary to ensure compliance with the provisions of this Ordinance. Compliance reports shall, at a minimum, contain the following:

- A. The nature and concentration of pollutants which are limited by pretreatment standards or requirements, or which are specified in the permit or permit contract for each regulated waste stream.
- B. A record of average daily flow for the reporting period for each regulated waste stream.
- C. Such other wastewater effluent data as the user has obtained since the last compliance report, whether or not that data is specifically required by the user's permit or permit contract.
- D. Methods utilized by the user in collecting the wastewater sample for analysis including, but not limited to, the sampling device(s) used, the sampling period, the amount of each sample collected, sample handling and preservation techniques used, and date of sample delivery to the laboratory for analysis.
- E. In the event a sample from a periodic compliance report indicates that a constituent is in violation of the allowable concentration levels as set forth in the user's permit or permit contract, the user shall inform the District within the next business day following the discovery of the violation, repeat the sampling and pollutant analysis for the parameter in violation, and submit in writing the results of this second analysis within thirty (30) days of the discovery of the first violation. The initial sampling and analysis report shall be submitted within days of the initial sampling date with a cover report setting forth the causes of the violation, the remedial actions taken to date in regard to the violation, and the scheduled additional actions which will be implemented to prevent a reoccurrence.

The District may also at any time require a signed statement by the user setting forth management practices and/or material usage practices which have an effect on the nature, volume, and quality of the wastewater discharge and/or which potentially will affect the ability to comply with pretreatment standards requirements.

The District may impose mass limitations on users where the imposition of mass limitations is appropriate. In such cases, the report required under subparagraph (A) above shall indicate the mass of pollutants regulated by pretreatment standards or requirements in the effluent of the user. These reports shall contain the results of all sampling and analysis of the discharge including the flow, concentration, and mass of

pollutants regulated by the applicable pretreatment standard or requirement. The user shall provide the actual average production rate of the regulated processes during the reporting period.

G. Specified sections of Article IX – Waste Hauler Program are amended to read:

**SECTION 9.01 - PERMISSIBLE WASTE HAULER DISCHARGES:** The Board finds that it is in the best interest of the citizens of Sonoma County in general, and in the best interests of the health and sanitation of the constituents of the District, that the District receive certain trucked-in waste at the treatment plant for disposal. It is the intent of the Board that the treatment facility shall only be used for the disposal of waste which are compatible with the treatment plant process and the continued operation of the treatment plant as a non-RCRA or non-hazardous waste disposal facility. Therefore, it is the intent of this Ordinance to prohibit the discharge from waste haulers of any hazardous waste as may be defined by either Federal or State statute and regulation, whichever is more stringent; and further, to prohibit all such waste as is prohibited within Article 6 of this Ordinance, when such waste is trucked to the District and discharged pursuant to the District's waste hauler program.

**SECTION 9.02 - WASTE HAULER DISCHARGE PERMIT:**

A. Permit Term: The General Manager or the General Manager's delegated staff shall have the authority to issue waste hauler discharge permits for a period of two (2) years, with such permits being renewable on further application from the permittee for additional two (2) year periods upon favorable review by General Manager or the General Manager's delegated staff. The Hauler shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the Hauler's existing permit.

B. Permit Conditions: The General Manager or General Manager's delegated staff may prescribe such requirements as may be reasonable to ensure the carrying out of the purpose and polices of this Ordinance, as well as the stated purpose of the waste hauler program as set forth herein. The conditions upon which a waste hauler's discharge permit may be issued shall include, but not be limited to, the following:

1. Proof of a Sonoma County Health Department Waste Hauler Registration and Public Health License.
2. Certification that the applicant has not been subject to any substantial enforcement actions relating to public health, waste hauling, and/or hazardous waste handling.
3. Provision of a list with license numbers of each vehicle which hauler proposes to use for discharge of waste at District facilities.
4. Certification that waste hauler has in place, and will maintain, vehicle insurance coverage which insures the hauler and the District against claims of personal injury and property damage (said minimum limits and coverage requirements may from time to time be set forth by the District).

5. The furnishing of a cash deposit or other security acceptable to the District in an amount set by the Board.

C. Modification, Denial, Revocation, or Suspension of Permit: The issuance of a waste hauler permit creates a conditional privilege to discharge. It does not create property rights (including real, personal, or intangible personal property rights), nor a vested irrevocable right or privilege. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements are modified or other just cause exists. The hauler shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change. The conditions under which a wastewater hauler permit may be denied, revoked, or suspended by the District include, but are not limited to, the following:

1. Acceptance of the hauled waste would cause or threaten to cause the District to violate its National Pollutant Discharge Elimination System (NPDES) permit, Waste Discharge Requirements (WDR's), or the receiving water quality standards or other regulation.
2. POTW's trucked waste receiving station and/or monitoring systems are unavailable, out of service or incompatible with the trucked waste material.
3. Substantial enforcement action taken by the District or another agency related to public health, waste hauling, and/or hazardous waste handling.
4. Failure of the waste hauler to comply with Federal, State, or District regulations and laws or permit conditions.
5. Termination of the waste hauler's vehicle insurance or reduction in coverage to a level below that required by the District.
6. Disposal of waste in an unlawful manner, whether within or outside the District.
7. Failure of the waste hauler to comply with the permit, wastewater handling and disposal, and reporting requirements of the Sonoma County Health Services Department.
8. Knowingly or negligently providing false information on any application, permit, or manifest form.
9. Disposing of any waste load to District facilities which originated outside the County.
10. Failure of the waste hauler to pay any fees, charges, or penalties assessed by the District.

11. Expiration, revocation, or suspension of Sonoma County Health Services Department Waste Hauler Registration or Public Health license.
12. Failure to deposit or maintain the required cash deposit.

**SECTION 9.03 - SECURITY--CASH DEPOSIT:** The Board finds that in order to ensure compliance of each waste hauler with the provisions of this Ordinance, and to further ensure payment of fees and charges for the discharge of trucked-in waste, a cash deposit, or other security acceptable to the District, shall be required of each permittee. The cash deposit shall be in an amount of one thousand dollars (\$1,000.00). However, if the General Manager determines the cash deposit should be increased in order to protect the interest of the District based on the nature of the current operations of a permittee or the prior history of compliance with the waste hauler program requirements, then the General Manager may increase such cash deposit or security to an amount sufficient to protect the interests of the District. The security amount shall not exceed five thousand dollars (\$5,000) without prior Board approval of said security amount. All security cash deposits shall be returned to hauler upon termination of permit, less any amounts used by the District to cover costs necessary to correct permittee's non-compliance with this Ordinance, and provided there are no outstanding permit violations and hauler has complied with this Ordinance and all permit conditions. In the case of such violations or non-compliance, the remainder of any security cash deposit shall be returned once such violations or non-compliance have been corrected. Waste hauler shall remain independently liable for any permit violations or non-compliance with this Ordinance regardless of whether a security deposit is provided, withheld, or returned.

**SECTION 9.06 - REGULATION OF PROCEDURES:** The District shall adopt such procedures as may be appropriate for the implementation of the waste hauler program. These procedures may include, but not be limited to, regulation of the times for discharge, designated discharge location, the amounts of discharge, and manner of discharge. The procedures may also include requirements such as laboratory testing of samples of the waste prior to discharge and procedures for reporting of the ultimate disposal location for waste which are not accepted at a District facility due to being rejected on the basis of a sampling analysis of its constituents.

**SECTION 9.08 - SONOMA COUNTY LIMITATION:** The District Board finds that it is not in the best interest of the District to accept trucked waste from locations which are not within Sonoma County. Therefore, the Board finds that the District shall only accept trucked-in waste pursuant to the provisions set forth herein and procedures established by the General Manager or the General Manager's delegated staff for trucked waste to the extent such waste is produced within, or emanates from, locations within Sonoma County.

H. Specified sections of Article X – Grease, Oil, And Sand Interceptor Program are amended to read:

**SECTION 10.01 – GREASE TRAPS AND OIL AND SAND INTERCEPTORS:** All non-domestic users, including restaurants, gas stations, and auto repair establishments with

floor drains located in service areas and auto or vehicle washing facilities, shall be required to install and maintain a grease, oil, and sand interceptor at the user's own expense when the General Manager finds that it is necessary for the proper handling of (a) liquid waste containing grease, (b) flammable wastes, (c) sand, or (d) other harmful constituents which may be properly eliminated from the sewerage system by use of an interceptor or trap. An interceptor is not required for a building used solely for residential purposes so long as there exists no common food preparation facility. An interceptor shall be required when the wastewater flow from the building is anticipated to contain grease, flammable substances, sand, or other harmful ingredients in amounts or concentrations which, in the discretion of the District, present the possibility of causing or contributing to the fouling of, or the blockage of, or other damage to the District sewerage system.

Proper sizing, selection, and installation of grease traps and interceptors shall be in accordance with the most recent Uniform Plumbing Code. The minimum size requirement shall be 35 gallons per minute/70 pound capacity. Oil and sand interceptors shall be situated on the user's premises and shall be so located as to be readily and easily accessible for cleaning and inspection. A sampling box or other appropriate sampling structure as specified by the District shall be installed and located immediately downstream of the user's oil and sand interceptor. Buildings remodeled for use requiring interceptors shall also be subject to these regulations.

Wastewater discharges from fixtures and equipment in the above-mentioned types of establishments which may contain grease, oil, sand, or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through grease traps and oil and sand interceptors where approved by the General Manager or the General Manager's delegated staff; provided, however, that toilets, urinals, washbasins, and other fixtures containing fecal materials shall not flow through the grease trap or interceptor. Toxic substances concentrations in excess of Ordinance limits shall not be discharged into grease traps and interceptors.

Grease traps and oil and sand interceptors shall be maintained by the user in efficient operating condition by periodic removal of the accumulated grease, oil, or sand. Grease and oil interceptors shall be cleaned by a licensed and permitted waste hauler on a periodic basis as determined by the District so as to assure that the interceptor will operate as designed at all times. The use of chemicals, enzymes or additives to dissolve grease or oil is specifically prohibited. No such accumulated grease, oil, or sand shall be introduced into any drainage piping or public or private sewer.

Abandoned oil and sand interceptors shall be emptied and filled with suitable material as determined by the General Manager, the General Manager's delegated staff, or the County of Sonoma Environmental Health Department.

### **SECTION III**

The Sonoma Valley County Sanitation District Sanitation Code Ordinance is additionally amended to read as follow:

A. Section I - Table of Contents is amended to read:

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B. Specified sections of Article I – General Provisions are amended to read:

**SECTION 1.02 – RULES AND REGULATIONS:** The following rules and regulations setting forth uniform requirements for wastewater contributors to the District’s collection, treatment, and disposal systems, establishing terms and conditions for new and existing sewer services, and providing the policy and direction for the design, inspection, and construction of all sanitation works to be accepted, owned, and operated by the District, are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise, unless modified and adopted by ordinance or resolution, as applicable, by the Board of Directors of the District.

With respect to installation, alteration, or repair of sewer facilities, this Ordinance shall not, except as otherwise provided herein, apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein. However, this Ordinance shall apply retroactively with respect to sewer use as set forth in Articles VI, IX, X and XI.

C. Specified sections of Article II – Definitions of the Sonoma Valley County Sanitation District Sanitation Code are amended, deleted, and added to read:

**SECTION 2.01 – DEFINITIONS:**

Amalgam Separator shall mean a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sanitary sewer.

Amalgam Waste shall mean and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

Interceptor shall mean a District-approved precast or cast-in-place concrete, high-density polyethylene, coated steel, or other plastic containment device designed to intercept, trap, or otherwise prevent grease, sand, flammable liquids, or other substances potentially harmful to the sewerage system from entering said system.

ISO 11143 shall mean the International Organization for Standardization's standard for amalgam separators.

Lateral Sewer shall mean the portion of a sewer connecting a Building Sewer to the District's Main Sewer which is owned by the District but maintained by the private property owner and lying within a public road/street or public sewer easement.

D. Article XI – MERCURY REDUCTION PROGRAM of the Sonoma Valley County Sanitation District Sanitation Code is added to read:

SECTION 11.01 – PURPOSE

SECTION 11.02 - WASTE MANAGEMENT PRACTICES

SECTION 11.03 - AMALGAM SEPARATORS

SECTION 11.04 – EXEMPTIONS

**SECTION 11.01 – PURPOSE:** Mercury is a toxic metal that bioaccumulates in several species of aquatic organisms. Dental amalgam is the largest controllable source of mercury to the District's sanitary sewer system. Dental Amalgam is approximately fifty percent (50%) mercury, mixed with silver and other metals. The District Board finds that in order to significantly reduce the quantity of mercury entering the District's sanitary sewer system, a dental amalgam program is required.

**SECTION 11.02 – WASTE MANAGEMENT PRACTICES:** All users of and dischargers from dental facilities that remove or replace amalgam fillings shall comply with the following waste management practices:

- A. No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the sanitary sewer.
- B. Users of and dischargers from dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management, and disposal of mercury-containing material and fixer containing solutions, and shall maintain training records that shall be available for inspection by the District's Environmental Compliance Inspector during normal business hours.
- C. Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
- D. Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
- E. The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

**SECTION 11.03 – AMALGAM SEPARATORS:** All users of and dischargers from dental vacuum suction systems, except as set forth in Section 11.04, below shall comply with the following:

- A. An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system on or before one year of the effective date of this Ordinance; provided however, that all dental facilities that are newly constructed on and after the effective date of this Ordinance shall include an installed ISO 11143 certified amalgam separator device. The installed device must be ISO 11143 certified as capable of removing a minimum of ninety five percent (95%) of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified. Alternative materials and methods may be proposed to the General Manager in writing along with technical data documenting equivalency submitted for review and approval. The General Manager, or the General Manager's delegated staff, may approve alternative materials upon a written finding that the alternative materials and/or methods, based on a review of the submitted documentation, are found to be equivalent to the ISO 11143 certified amalgam separator devices referenced in this Section 11.03. If equivalency is not approved, and the proposed alternative materials or methods are not approved, the applicant may pursue approval pursuant to the provisions for obtaining a variance to this Ordinance.
- B. All amalgam separators installed pursuant to Section A above, shall be on the "Bay Area Pollution Prevention Group (BAPPG) list of Accepted Amalgam Separators," dated May 2009 or the most recent revision. For amalgam separators installed prior to the date of this Ordinance, approval may be provided by the General Manager, or the General Manager's delegated staff, on a case-by-case basis provided the amalgam separator meets the standards in Section A, above.
- C. Proof of certification and installation records shall be submitted to the District within thirty (30) days of installation. A form will be provided by the District and must be completed to demonstrate compliance.
- D. Amalgam separators shall be maintained in accordance with manufacturer's recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request by an authorized representative of the District during normal business hours.

#### **SECTION 11.04 – EXEMPTIONS:**

- A. The following types of dental Practice are exempt from Section 11.03, provided that removal or placement of amalgam fillings occurs at the facility no more than three days per year: Orthodontics, periodontics, oral and maxillofacial surgery, radiology, oral pathology or oral medicine, and endodontistry and prosthodontistry.



- B. Facilities with vacuum suction systems that meet all of the following conditions may apply to the General Manager for an exemption to the requirements under Section 11.03:
1. The system was installed before the effective date of this Ordinance.
  2. The system is a dry vacuum pump system with an air-water separator.
  3. The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.
  4. Evidence of regular pump outs (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the District's Environmental Compliance inspector during normal business hours.
  5. The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank

Any user or discharger whose facility meets all five conditions may apply for an exemption by written letter to the General Manager. The General Manager, or the General Manager's delegated staff, will review the system and if the exemption is approved, shall provide a written letter of exemption. An exemption obtained pursuant to Section 11.04 B, shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with Section 11.03 before commencing further operation.

#### **SECTION IV**

The South Park County Sanitation District Sanitation Code Ordinance is additionally amended to read:

- A. Specified sections of Article I – General Provisions are amended to read:

**SECTION 1.02 - RULES AND REGULATIONS:** The following rules and regulations setting forth uniform requirements for wastewater contributors to the District's collection, treatment, and disposal systems; establishing terms and conditions for new and existing sewer services, and providing the policy and direction for the design, inspection, and construction of all sanitation works to be accepted, owned, and operated by the District; are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise, unless modified and adopted by ordinance or resolution, as applicable, by the Board of Directors of the District. Notwithstanding the above, in order to facilitate eventual transition of ownership of the District's facilities to the City of Santa Rosa, the Board of Directors or the General Manager may accept compliance with the City of Santa Rosa's requirements for wastewater contributors to the District's collection, treatment, and disposal systems, or terms and conditions for new and existing sewer services, or policy and direction for the design, inspection, and construction of all sanitation works to be accepted, owned, and operated by the District, as complying with the District's rules and regulations herein, upon a finding that the City's requirements, together with any additional conditions if determined by the Board of Directors or the General Manager to be necessary, are adequate to protect public health and the environment.

With respect to installation, alteration, or repair of sewer facilities, this Ordinance shall not, except as otherwise provided herein, apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein. However, this Ordinance shall apply retroactively with respect to sewer use as set forth in Articles VI, IX, and X.

## **SECTION V**

The Occidental County Sanitation District Sanitation Code Ordinance, the Sonoma Valley County Sanitation District Sanitation Code Ordinance, and the South Park County Sanitation District Sanitation Code Ordinance are amended to read as follow:

A. Specified sections of Article II – Definitions and Abbreviations are amended, deleted, and added to read:

### **SECTION 2.01 – DEFINITIONS:**

Onsite Wastewater Treatment System(s) shall mean individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal. The short form of the term may be singular or plural. OWTS do not include “graywater” systems pursuant to Health and Safety Code Section 17922.12.

### **SECTION 2.03 – ABBREVIATIONS:**

OWTS - Onsite Wastewater Treatment System(s)

B. Specified sections of Article III – General Conditions For Sewer Service are amended to read:

**SECTION 3.04 – UNLAWFUL DISPOSAL:** It shall be unlawful to construct or maintain within the District boundaries any privy, privy vault, cesspool, seepage pit, or any other type of Onsite Wastewater Treatment System that is not in compliance with current County requirements for onsite wastewater treatment systems.

Existing onsite wastewater treatment systems within the District boundaries that meet County Code requirements for new systems or for which continued use is allowed under County requirements, may be maintained or repaired as authorized by County requirements, or replaced in the same location or another County approved location, but may not be expanded to add capacity. Any replacement of such systems must be with a system that meets current County Code requirements for new systems.

Graywater systems, and other Alternate Water Source systems, as defined in Chapter 16 of the California Plumbing Code, and complying with current County requirements, are not subject to this Section 3.04.

New on-site wastewater treatment systems may be constructed and maintained within the District boundaries under the following conditions:

1. The facilities shall be in compliance with current County requirements and not increase capacity, and
2. The facilities shall be constructed under a permit issued by the Sonoma County Permit and Resource Management Department, and
3. The structure to be served is, or would be, more than 300 feet from a property line fronting a sewer main, and
4. The applicant shall sign and record, at the applicant's expense, an agreement with the District stating that when a new future public collector main sewer is constructed within a public right-of-way to within 300 feet of the structure(s), the owner of the structure(s) shall at their expense, obtain permits from the Sonoma County Permit and Resource Management Department, disconnect from, and abandon, the existing on-site system and reconnect to the new public collector main sewer in accordance with the District Standards, and
5. The General Manager, or the General Manager's delegated staff, shall issue a written finding of infeasibility of making connection to a public main sewer, the basis for the finding of infeasibility, and with a statement of not objecting to the Sonoma County Permit and Resource Department's issuance of a permit to allow construction of an on-site septic treatment and disposal facility conforming to County Standards. The finding of infeasibility shall be based on documentation provided by the Applicant demonstrating either economic hardship, technical infeasibility, or both.

## **SECTION VI**

- A. If any portions of these Ordinances are for any reason held invalid by a court of competent jurisdiction, the remainder of the Ordinances, including application of such part or provisions to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of the Ordinances are severable.
- B. The Boards of Directors of the Sonoma County Water Agency and the County Sanitation Districts, County of Sonoma, hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subdivision, paragraph, sentence clause, or phrase are held unconstitutional, invalid or unenforceable.
- C. These Ordinances shall be effective thirty (30) days after adoption.

In regular session of the Boards of Directors of the Sonoma County Water Agency, Occidental County Sanitation District, Russian River County Sanitation District, and the South Park County Sanitation District, State of California, introduced on November 12, 2013, and adopted after an opportunity for public comment this 3<sup>rd</sup> day of December, 2013, on regular roll call of the members of said Boards by the following vote:

**DIRECTORS, SONOMA COUNTY WATER AGENCY, OCCIDENTAL COUNTY SANITATION DISTRICT, RUSSIAN RIVER COUNTY SANITATION DISTRICT, SOUTH PARK COUNTY SANITATION DISTRICT:**

**GORIN:            ZANE:            McGUIRE:            CARRILLO:            RABBITT:**

Ayes            Noes            Absent            Abstain

**WHEREUPON**, the Chair declared the above and foregoing ordinances duly adopted and **SO ORDERED**.

By: \_\_\_\_\_  
Chair, Boards of Directors

In regular session of the Board of Directors of the Sonoma Valley County Sanitation District, State of California, introduced on November 12, 2013, and adopted after an opportunity for public comment this 3rd day of December, 2013, on regular roll call of the members of said Board by the following vote:

**DIRECTORS, SONOMA VALLEY COUNTY SANITATION DISTRICT:**

**BROWN:            GORIN:            RABBITT:**

Ayes            Noes            Absent            Abstain

**WHEREUPON**, the Chair declared the above and foregoing ordinances duly adopted and **SO ORDERED**.

By: \_\_\_\_\_  
Chair, Board of Directors

ATTEST:

By: \_\_\_\_\_  
Clerk of the Boards



## County of Sonoma Agenda Item Summary Report

**Agenda Item Number: 8**

(This Section for use by Clerk of the Board Only.)

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**To:** Board of Directors, Sonoma County Water Agency and all County Sanitation Districts and Sanitation Zones

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority & 2/3 SCVSD

**Department or Agency Name(s):** Sonoma County Water Agency

**Staff Name and Phone Number:**

Lynne Rosselli / 524-3771

**Supervisory District(s):**

All Districts

**Title:** Sanitary Sewer System Use Study

### **Recommended Actions:**

Authorize the General Manager to execute an agreement with Bartle Wells Associates to prepare a sanitary sewer system use study (\$129,330; agreement terminates October 31, 2014).

### **Executive Summary:**

This item requests authorization for the Sonoma County Water Agency's (Water Agency) General Manager to execute an agreement with Bartle Wells Associates (\$129,330; through October 31, 2014) for preparation of a sanitary sewer system use study.

### HISTORY OF ITEM/BACKGROUND

On January 1, 1995, the Water Agency assumed management responsibilities for the County of Sonoma Sanitation Districts and Zones from the Sonoma County Department of Transportation and Public Works. County Sanitation Districts (Sanitation Districts) include: Occidental, Russian River, Sonoma Valley, and South Park County Sanitation Districts. Water Agency Sanitation Zones (Sanitation Zones) include: Airport/Larkfield/Wikiup, Geyserville, Pengrove, Sea Ranch Central, and Sea Ranch North Sanitation Zones.

The Sanitation Districts and Sanitation Zones include nine wastewater collection and/or treatment facilities that treat wastewater to secondary and tertiary standards. The Sanitation Districts and Sanitation Zones vary in size with average dry weather flows ranging from 20,000 to 2,800,000 gallons per day.

In 2011, the Water Agency conducted a Wastewater Volumetric Rate Feasibility Study (Study) for the nine Sanitation Districts and Sanitation Zones. The purpose of the Study was to assess the impacts of implementing a sewer rate structure that would include a variable component based on estimated discharge. Each Sanitation District and Sanitation Zone was evaluated independently to determine the most appropriate rate structure for each system's customer base and operational needs. For a number of reasons, including access to retail water-use data, the Study found that a volume-based rate structure would be best suited for Sonoma Valley County Sanitation District residential sewer customers that were also water utility customers.

With the exception of Sonoma Valley County Sanitation District's residential sewer customers, sewer customers of the Sanitation Districts and Sanitation Zones pay a flat sewer rate based on the number of equivalent single-family dwellings. An equivalent single-family dwelling is defined per the average amount of

water a single-family dwelling unit uses in one year. Single-family customers are charged the same flat rate based on one equivalent single-family dwelling, regardless of the amount of water used in the home and treated by the Sanitation Districts and Sanitation Zones. Other customer classes or use categories, including multi-family and commercial, are assigned a number of equivalent single-family dwellings using standard equivalency factors that estimate the probable quantity (flow) and strength (biochemical oxygen demand and total suspended solids) of sewage effluent normally generated by such uses in comparison to a single-family home.

The Water Agency monitors some commercial and industrial customers for strength and flow based on specific agreements, and bills these customers separately. The agreements establish capacity limits for large commercial and industrial uses and allows the Water Agency to assess additional charges for daily discharges that exceed those limits.

The sewer service charges are set to generate sufficient revenue to recover the cost of providing service each year. The rates are based on the annual budget for each Sanitation District and Sanitation Zone, which includes: operations and maintenance, repairs and replacements, and debt service. The sewer service charges for each Sanitation District and Sanitation Zone are calculated by dividing the annual costs of providing wastewater treatment and collection service by the number of equivalent single-family dwellings, which yields a fixed charge per equivalent single-family dwelling. Rate increases are determined each year based on long-term financial plans that incorporate the budgets and capital plans for each of the Sanitation Districts and Sanitation Zones.

The use definitions and standard equivalency factors that estimate flow and strength for a customer class or use category, and form the basis for calculating the number of equivalent single-family dwellings, were last evaluated in 1995 and have changed over time. The number of equivalent single-family dwellings times the fixed charge per equivalent single-family dwelling determines the connection fee and annual sewer service charge for each use. The proposed study will evaluate and update customer class and use definitions to ensure that they are equitable and reasonable, and better reflect current uses. The end result will be sewer service charges that more fairly and objectively represent existing uses and the cost of services. The Board of Directors requested this study be conducted during the May 21, 2013, Sanitation Rate Hearing.

#### SELECTION PROCESS

On September 6, 2013, Water Agency and its affiliated sanitation districts issued a Request for Statements of Qualifications to the following 19 firms:

- 1) Adobe Associates, Inc., Santa Rosa, California
- 2) Bartle Wells Associates, Berkeley, California
- 3) Brelje & Race, Santa Rosa, California
- 4) Brown and Caldwell, Davis, California
- 5) Carollo Engineers, Inc., Walnut Creek, California
- 6) CDM Smith, Walnut Creek, California
- 7) CH2M-Hill, Oakland, California
- 8) Coastland Civil Engineering Inc., Santa Rosa, California
- 9) FCS Group, San Francisco, California
- 10) GHD Inc., Santa Rosa, California
- 11) HDR Inc., Walnut Creek, California
- 12) Katz and Associates, Roseville, California
- 13) Kennedy/Jenks Consultants, Santa Rosa, California
- 14) Larry Walker Associates, Davis, California

- 15) LSA Associates, Inc., Point Richmond, California
- 16) Prunuske Chatham, Inc., Sebastopol, California
- 17) RMC Water and Environment, San Francisco, California
- 18) TischlerBise, Temecula, California
- 19) URS Corporation, San Francisco, California.

The Request for Statements of Qualifications was also posted on the Water Agency's website.

Two firms submitted Statements of Qualifications: Bartle Wells Associates and HDR Inc.

The following criteria were used to evaluate each firm:

- 1) Project understanding and approach
- 2) Responsiveness to the work requirements
- 3) Professional qualifications and overall performance commitment
- 4) Demonstrated ability to perform the work in accordance with good practices common to the industry
- 5) Time required
- 6) Exceptions to agreement terms
- 7) Cost

In addition, a 5% local preference weighting was given to firms from Sonoma County.

Bartle Wells Associates (Consultant) was selected to perform the work because the firm specializes in rate and fee studies, financial plans, project financing, and is the only independent financial advisor providing all three services to public agencies. The Consultant brings specialized experience with flow and loading analyses and has been working with the Water Agency and Sonoma County stakeholders on collaborative projects for the last 10 years. The Water Agency does not have the expertise and resources to conduct this work with in-house staff in a timely manner due to the specialized nature of the work and lack of available staff resources in the Administrative Division. The consultant has demonstrated its knowledge and familiarity with the Water Agency's Sanitation Districts and Sanitation Zones in its prior work on the Wastewater Volumetric Rate Feasibility Study. The Consultant's proposal showed the greatest understanding of sewer system use studies; knowledge of the current and potential issues associated with modifying customer class or use categories and use definitions; the most viable approach to accomplishing the work; and excellent references.

#### SERVICES TO BE PERFORMED

Under the proposed agreement, the Consultant will prepare a sanitary sewer system use study for all nine Sanitation Districts and Sanitation Zones and will evaluate existing customer class or use categories, use definitions, and associated standard equivalency factors. Work will include flow and loading analyses; a report summarizing analyses, key findings and recommendations, and estimated impacts on customers in each Sanitation District and Sanitation Zone; and Board of Directors presentations.

The cost of services will not exceed \$129,330; the term end date is October 31, 2014.

#### **Prior Board Actions:**

11/02/2010: Approved agreement between Water Agency and Bartle Wells Associates for consulting services regarding sanitary sewer service charges and sewer connection fees (\$165,000; term end October 31, 2013).

**Strategic Plan Alignment****Goal 2: Economic and Environmental Stewardship**

This study supports Goal 2 by ensuring sewer service charges are equitable and provide adequate revenue to effectively operate, maintain, and care for the long-term capital needs of the sanitary sewer systems in an environmentally responsible way.

Water Agency Sanitation Goals and Strategies, Goal 2: Provide adequate rate-based revenues, while pursuing new income and cost-cutting opportunities.

**Fiscal Summary - FY 13-14**

| <b>Expenditures</b>       |                   | <b>Funding Source(s)</b> |                   |
|---------------------------|-------------------|--------------------------|-------------------|
| Budgeted Amount           | \$ 129,330        | Water Agency Gen Fund    | \$ 129,330        |
| Add Appropriations Req'd. | \$ -0-            | State/Federal            | \$ -0-            |
|                           | \$                | Fees/Other               | \$ -0-            |
|                           | \$                | Use of Fund Balance      | \$ -0-            |
|                           | \$                | Contingencies            | \$ -0-            |
|                           | \$                |                          | \$                |
| <b>Total Expenditure</b>  | <b>\$ 129,330</b> | <b>Total Sources</b>     | <b>\$ 129,330</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

Fiscal Year 2013/2014 appropriation of \$129,330 will be from the Water Agency's General Fund and will be included in the second quarter consolidated budget adjustments.

**Staffing Impacts**

| <b>Position Title</b><br>(Payroll Classification) | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|---|---|------------------------------|------------------------------|
|   |   |                              |                              |

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

None.

**Related Items "On File" with the Clerk of the Board:**

Proposed Agreement (1 copy)





## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 9**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** County Administrator, Auditor-Controller-Treasurer-Tax Collector, Information Systems Department (ISD), General Services

**Staff Name and Phone Number:**

Donna Dunk 565-3274

**Supervisory District(s):**

All

**Title:** Enterprise Financial System (EFS) Project Implementation

### **Recommended Actions:**

1. Accept quarterly update on the Enterprise Financial System Project Implementation

### **Executive Summary:**

On February 5, 2013, your board directed staff to proceed with the Enterprise Financial System (EFS) implementation project and to return with quarterly updates on the project's progression. The purpose of this report is to provide your board with the Fall 2013 quarterly update.

At this time the project continues on time, on budget (without the use of contingencies) and within the planned scope. There are no major issues that are unresolved. A summary of the project budget is included in Attachment A.

The Steering Committee will continue to return to your board approximately every three months with an update of project activities.

#### **1. Project Activities over the past three months:**

Project activities since the last quarterly update worth noting are as follows:

- a. Completed all Fit/Gap Sessions** – Fit/Gap sessions were conducted with representatives from all County Departments and Agencies to review all of the County's requirements and determine where the software solution meets business requirements and where there were gaps. As a result of those sessions, only a small number of gaps were identified. Those identified gaps are anticipated to be handled through a change in business process or a minor customization, which will not increase implementation cost.

- b. Draft Chart of Account redesign is complete** – The draft chart of account redesign was

developed. The project team has met with all Departments and Agencies to review the redesign for their specific department. Feedback from those meetings will be incorporated into the final design. The final chart of account redesign is expected to be completed by November 22<sup>nd</sup>. The chart of account redesign also led to an effort to analyze some design changes needed in the County's timekeeping system (TimeSaver) and the County's Human Resource Management System (HRMS) in order to support the new chart of account redesign for the general ledger. Those redesign efforts for TimeSaver and HRMS are underway and will be completed concurrently along with the general ledger chart of accounts redesign.

- c. Define success factors for the project** – Members of the Steering Committee and Leadership Team met on a number of occasions to discuss and define success factors for the project and to develop key performance indicators. Objectives and key performance indicators were tied to the four project goals which are:
- Replace the existing system in such a way as to allow for the decommissioning of the existing mainframe as soon as possible.
  - On time, on budget and for the agreed upon scope.
  - Ability to track program and project costs for performance measurement and other management information and thereby reduce or eliminate the need for a variety of separate systems currently providing some of that information in a less efficient manner.
  - Provide a system and the attendant business processes that will improve efficiency and increase fiscal discipline in the financial management of the organization.

As a result of those meetings, an objective has been identified for each goal and several key performance indicators have been developed for each objective. These objectives and key performance indicators will give the County the ability to objectively measure the success of the project.

- d. Data Cleansing efforts are underway** – As with any system that has been in use in an organization for nearly 30 years, there is data that exists that should be cleaned up before moving to a new system. The project team, in conjunction with the Auditor-Controller-Treasurer-Tax Collector (ACTTC) staff has completed a data cleansing analysis and strategy. Working with Departments and Agencies, the ACTTC will lead the data cleansing effort. The goal is to have the cleanest data possible to load into the new system. The target date for completion of the majority of data cleansing is January 31<sup>st</sup>.

- e. Communication and Change Management Activities** – A number of critical communication and change management activities have been completed. Ongoing communications and change management activities will occur throughout the entire project. Significant activities in this area worth noting include the creation of a Special Districts Focus Group to allow for feedback and communication with all Special Districts that utilize the system. Completed communication events include newsletters, department updates, Department and Agency Head Association update presentation, and initial communication with union representatives. Key change management deliverables that are complete include a Change Readiness Assessment, Change Management Strategy, Communication Plan, Training Strategy, and identification of Department Change Leaders and various online surveys directed toward a wide audience of participants. Focus groups have been meeting regularly and include representatives from all county

departments and have been essential vehicles for two way communication between users and the project team.

- f. Reporting Strategy** – The Reporting Focus Group developed a reporting strategy that leverages the software tools available to provide an effective reporting solution for the County. The reporting strategy is multifaceted and includes PeopleSoft standard reports and on-line inquiry, nVision reporting, SQL Reporting Services and PeopleSoft custom report/tools. The mission of the Reporting Focus Group was to “Represent all county stakeholders in contributing to an effective reporting solution for PeopleSoft financials to be used by the County.” Specific goals of the reporting strategy include accessing the information in a timely, accurate and intuitive manner with little reliance on technical skills; and make every effort to utilize the reporting tools in PeopleSoft to arrive at a solution. The reporting strategy will be implemented between now and the go-live date for Phase 1 of July 1, 2014.
- g. Initial Configuration** – Based upon decisions made as a result of the fit/gap sessions, the initial configuration of the system has begun. The project team will continue system configuration over the next several months in preparation for user acceptance testing and go-live.
- h. Software Development** – Functional and technical specifications are underway for interfaces, data conversion, reports and workflow. Some preliminary data conversions have been completed as an initial test and validation.
- i. Platform Procurement and Installation** – Hardware has been purchased and installed for the non-production environment and a bid specification has been prepared for the remaining purchases.
- j. User Charge Model** – The user charge model for FY 14-15 is anticipated to be completed by the end of November. A fair and equitable chargeback mechanism will be used consistent with past practices and approved by the State for cost plan allocation purposes.
- k. Final Project Plan Development** – The final project work plan is complete. The final project work plan will guide the remaining project activities for Phase 1.
- l. Project Team Reporting Tool Training** – The project team completed nVision training. nVision is a tool that will be used for report writing.
- m. Preliminary End User Training Strategy** – The preliminary end user training strategy is complete. Training needs throughout the user community have been identified leading to a strategy that outlines the training topics, number of classes to be offered, class size, identification of staff who will attend classes and the method used to deliver the training. End user training will occur in the months of June and July 2014.
- n. Organizational Support Structure** – Efforts are underway to analyze the organizational support model and structure needed for the new system. The Steering Committee and Leadership Team will be working to complete a recommendation for a support structure that will enable the

County to not only support the system after go-live, but also to continue to enhance the system and fully realize the investment the County has made in this critical infrastructure.

- o. Steering Committee Meetings** – The Steering Committee (County Administrator Ferguson, ACTTC Sundstrom, and Information Systems Director Hartwig) is charged with making decisions about issues with major policy changes, Cyber change orders using contingency funds, schedule extensions and major changes to the project scope. To date the Steering Committee has met regularly to review and monitor progress of the project and receive regular status reports, thereby providing leadership to this project. The Project Team will continue to rely on Steering Committee involvement as key policy decisions arise throughout the life of the project.

## **2. Next Steps:**

Planned project activities over the next three months include the following:

- a. Configuration Stage and System Testing** – System configuration activities will continue over the next three months, along with unit testing, conversion testing, system testing and integration testing. User acceptance testing will occur close to production cutover and is the final validation of the system. System performance testing will also be ongoing throughout the remainder of Phase 1 of the project.
- b. Platform Procurement and Installation** – The hardware will be procured and installed.
- c. Software Development** – Functional and technical specifications will continue for interfaces, data conversion, reports and workflow.
- d. Chart of Accounts Build** – The chart of accounts build will be finalized.
- e. Data Cleansing** – Data cleansing efforts will continue over the next three months. Data cleansing efforts will create the need to close inactive funds and move cash balances to active funds which will require appropriations to process these entries. Resolution 13-0237, dated June 12, 2013 which adopted the 13-14 budget delegated authority to the ACTTC and the County Administrator to complete any necessary budget and accounting transfers and adjustments to comply with Generally Accepted Accounting Principles (GAAP). This effort will include ministerial budgetary appropriation adjustments and will be documented and recommended for Board ratification in the 2013-14 Fiscal Year End Report.
- f. Communication and Change Management Activities** – Various communication and change management activities will be completed, such as a number of communication events (e.g., newsletter, department updates, etc.), town hall meetings with departments/special districts, and a second change readiness assessment.
- g. Complete the Organizational Support Model Analysis** – The Steering Committee and Leadership Team will complete the organizational support model analysis along with recommendations based on the County’s goals and ongoing support needs in the future.

**h. Complete User Charge Model** – The Leadership Team will finalize the user charges to recover the cost of Phase I of the EFS capital expenditures.

**Prior Board Actions:**

8/13/13 – Board accepted the quarterly EFS update  
 5/7/2013 – Board accepted the quarterly EFS update and approved a contract with Neko Industries, Inc. for document management to be integrated with the PeopleSoft system  
 2/5/2013 – Board approved proceeding with EFS project and budget, along with contracts with Ciber, Inc., Oracle, and Maverick Solutions  
 9/18/2012 – Board approved proceeding with EFS project by negotiating a contract with Ciber, Inc and Oracle

**Strategic Plan Alignment**      Goal 3: Invest in the Future

The enterprisewide system solution will allow the county to ensure fiscal transparency by replacing outdated and unsupported financial tracking and reporting technology.

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        | County General Fund  | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

**Staffing Impacts**

| Position Title<br>(Payroll Classification) | Monthly Salary<br>Range<br>(A – I Step) | Additions<br>(Number) | Deletions<br>(Number) |
|--|---|-----------------------|-----------------------|
|  |   |                       |                       |
|  |   |                       |                       |

|   |
|---|
| <b>Narrative Explanation of Staffing Impacts (If Required):</b> |
|   |
| <b>Attachments:</b>   |
| Attachment A – EFS Budget Summary                               |
| <b>Related Items “On File” with the Clerk of the Board:</b>     |
|   |



EFS Project Status Report  
For the Period Ended: November 5, 2013

| Steering Committee EFS Budget Summary |                                   |                                     |                                     |                                       |                                       |                                      |   |
|---------------------------------------|-----------------------------------|-------------------------------------|-------------------------------------|---------------------------------------|---------------------------------------|--------------------------------------|---|
|                                       | A                                 | B                                   | C                                   | D = B+C                               | E = D-A                               | F = E/A                              |   |
| Description                           | Approved Budget<br>As of 2/5/2013 | PTD Expenditures<br>As of 9/30/2013 | ETC Expenditures<br>As of 9/30/2013 | Total Expenditures<br>As of 9/30/2013 | \$ Budget Variance<br>As of 9/30/2013 | % Budget Variance<br>As of 9/30/2013 | Variance Explanation  |
| <b>External Costs:</b>                |                                   |                                     |                                     |                                       |                                       |                                      |   |
| Hardware, OS & DB                     | \$ 1,309,000                      | \$ -                                | \$ 1,309,000                        | \$ 1,309,000                          | \$ -                                  | 0%                                   | ETC available in Oct. or Nov. once server bids are received from vendors.   |
| PeopleSoft License & Maintenance      | \$ 1,570,639                      | \$ 1,050,246                        | \$ 541,939                          | \$ 1,592,184                          | \$ 21,545                             | 1%                                   | Additional UPK licenses purchased.  |
| Ciber Implementation Services         | \$ 5,561,305                      | \$ 1,256,841                        | \$ 4,304,464                        | \$ 5,561,305                          | \$ -                                  | 0%                                   | Fixed cost contract.  |
| OnBase Integration & Maintenance      | \$ 896,000                        | \$ -                                | \$ 828,271                          | \$ 828,271                            | \$ (67,729)                           | -8%                                  | Fixed cost contract for Neko services as the integrator; some efficiencies with revised estimates for scanners/ maintenance needed for departments. |
| Project Management Consulting         | \$ 1,404,000                      | \$ 397,125                          | \$ 1,006,875                        | \$ 1,404,000                          | \$ -                                  | 0%                                   | Fixed cost contract.  |
| Other External Costs                  | \$ 691,450                        | \$ 268,981                          | \$ 389,000                          | \$ 657,981                            | \$ (33,470)                           | -5%                                  | Net savings of \$73k from GFOA and Outside Attorney offset by additional Maverick Proj. Training of \$39k.  |
| Contingency - External Costs          | \$ 1,714,859                      | \$ -                                | \$ -                                | \$ -                                  | \$ (1,714,859)                        | -100%                                | No need for contingency at this time.   |
|                                       | <b>\$ 13,147,253</b>              | <b>\$ 2,973,192</b>                 | <b>\$ 8,379,549</b>                 | <b>\$ 11,352,741</b>                  | <b>\$ (1,794,512)</b>                 |                                      |   |
| <b>Internal Costs:</b>                |                                   |                                     |                                     |                                       |                                       |                                      |   |
| Internal Staffing                     | \$ 6,200,000                      | \$ 781,653                          | \$ 5,053,217                        | \$ 5,834,870                          | \$ (365,130)                          | -6%                                  | Net savings based mostly on salary savings in FY 2012/13.   |
| Fixed Internal Costs                  | \$ 639,000                        | \$ 205,376                          | \$ 409,652                          | \$ 615,028                            | \$ (23,972)                           | -4%                                  | Project office furnishings and ISD PC charges are under budget.   |
| Other Variable Internal Costs         | \$ 239,000                        | \$ 58,148                           | \$ 132,156                          | \$ 190,304                            | \$ (48,696)                           | -20%                                 | Supplies, County Counsel, Office Equipment and PCs and Setup are under budget.  |
| Departmental Vendor Interfaces        | \$ 98,000                         | \$ -                                | \$ 98,000                           | \$ 98,000                             | \$ -                                  | 0%                                   | ETC available in Nov. or Dec. once more development experience gained by County team.   |
| Contingency - Internal Costs          | \$ 1,076,400                      | \$ -                                | \$ -                                | \$ -                                  | \$ (1,076,400)                        | -100%                                | No need for contingency at this time.   |
|                                       | <b>\$ 8,252,400</b>               | <b>\$ 1,045,177</b>                 | <b>\$ 5,693,025</b>                 | <b>\$ 6,738,202</b>                   | <b>\$ (1,514,198)</b>                 |                                      |   |
| <b>Financing Costs</b>                |                                   |                                     |                                     |                                       |                                       |                                      |   |
|                                       | \$ 993,540                        | \$ 10,339                           | \$ 628,425                          | \$ 638,764                            | \$ (354,776)                          | -36%                                 | County to absorb a greater proportion of future project costs due to improved economic conditions.  |
| <b>TOTALS</b>                         | <b>\$ 22,393,193</b>              | <b>\$ 4,028,708</b>                 | <b>\$ 14,700,998</b>                | <b>\$ 18,729,707</b>                  | <b>\$ (3,663,486)</b>                 |                                      | All Line Items  |
|                                       |                                   |                                     |                                     |                                       | \$ (872,227)                          |                                      | Excluding Contingencies   |
|                                       |                                   |                                     |                                     |                                       | \$ (517,451)                          |                                      | Excluding Contingencies and Financing Costs   |

Current Project Budget Status      Forecasted Project Budget Status

PTD = Project To Date    ETC = Estimate To Complete



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 10**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

Mike McGuire, 565-2241

**Supervisorial District(s):**

Fourth.

**Title:** Disbursement of FY 13/14 Fourth District Advertising Funds.

### **Recommended Actions:**

Approve Advertising Program grant awards and authorize the County Administrator to execute contracts with the following entities for advertising and promotions activities for FY 13/14: Geyserville Chamber of Commerce, \$450; Sonoma County Tourism Bureau, \$500; and reallocate an award for \$2,000 to the Economic Development Department which was previously awarded to the Arts Council.

### **Executive Summary:**

Category E – Local Events and Organizations of the Advertising and Promotions Program Policy provides grant allocations to each Supervisor, to be distributed at the Supervisor’s discretion. The Fourth District has reviewed applications and wishes to recommend the following FY 13/14 advertising grant awards:

- 1.) Geyserville Chamber of Commerce, for the promotion of, and advertising efforts related to the tree lighting and tractor parade of lights; grant award of \$450.
- 2.) Sonoma County Tourism Bureau, the promotion and advertising efforts related to the Sonoma County apple promotion events at the Sonoma County Airport; grant award of \$500.
- 3.) Reallocate an award of \$2,000 to the Economic Development Department. The award was previously approved to be granted to the Arts Council of Sonoma County for signage and promotion activities around the Sonoma County Airport. Since then, the Arts Council has experienced financial and structural problems and no longer has staff or is carrying out the grant duties. The grant will be reallocated to the Economic Development Department to execute the work intended.

Funds will be distributed upon approval of these awards by Board and execution of Advertising grant agreement contract with the entity. The contracts will be executed by the County Administrator. The contracts will require the County logo on promotional materials produced using the grant award and will require submission to the District Director and County Administrator’s Office of advertising and promotional activity receipts up to the total amount of the grant award.



|  |   |  |                              |
|--|---|--|------------------------------|
| <b>Prior Board Actions:</b>  |   |  |                              |
| 7/30/13, 9/10/13, 10/8/13 and 10/15/13 – Awarded FY 13/14 Category E grants.   |   |  |                              |
| <b>Strategic Plan Alignment</b>  |   | Goal 2: Economic and Environmental Stewardship |                              |
| Grant funds allow non-profit partners to advertise and grow local events and encourage tourism thereby promoting economic development and growth.    |   |  |                              |
| <b>Fiscal Summary - FY 13-14</b>   |   |  |                              |
| <b>Expenditures</b>  |   | <b>Funding Source(s)</b>                       |                              |
| Budgeted Amount  | \$ 950                                      | County General Fund                            | \$                           |
| Add Appropriations Req'd.  | \$  | State/Federal                                  | \$                           |
|  | \$  | Fees/Other                                     | \$ 950                       |
|  | \$  | Use of Fund Balance                            | \$                           |
|  | \$  | Contingencies                                  | \$                           |
|  | \$  |  | \$                           |
| <b>Total Expenditure</b>   | <b>\$ 950</b>                               | <b>Total Sources</b>                           | <b>\$ 950</b>                |
| <b>Narrative Explanation of Fiscal Impacts (If Required):</b>  |   |  |                              |
| Funds are included in the FY 13/14 budget. The District was allocated a total of \$29,232. Following today's actions, \$6,082 will remain for award. |   |  |                              |
| <b>Staffing Impacts</b>  |   |  |                              |
| <b>Position Title</b><br>(Payroll Classification)  | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number)                   | <b>Deletions</b><br>(Number) |
|  |   |  |                              |
|  |   |  |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b>  |   |  |                              |
| N/A.   |   |  |                              |
| <b>Attachments:</b>  |   |  |                              |
| FY 13/14 Grant Award Agreement Template  |   |  |                              |
| <b>Related Items "On File" with the Clerk of the Board:</b>  |   |  |                              |
| None.  |   |  |                              |

AGREEMENT

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, by and between the COUNTY OF SONOMA, (hereinafter COUNTY) and the «Organization», (hereinafter ADVERTISER).

WITNESSETH:

WHEREAS, ADVERTISER has represented that it is aware of and understands the provisions and requirements of Government Code Section 26100 and COUNTY'S "Advertising and Promotions Program Policy" for the expenditure of funds appropriated under Section 26100, and that any expenditure made by ADVERTISER will be in compliance with Section 26100, the Advertising and Promotions Policy, and this Agreement, and

WHEREAS, COUNTY'S Board of Supervisors has relied on those representations in authorizing the execution of this Agreement, and

WHEREAS, ADVERTISER has applied for and received funding under Category E – Local Events and Organizations category of the Advertising and Promotions Program Policy, and

WHEREAS, ADVERTISER is ready, willing and able to perform the services herein provided to be performed.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. During the fiscal year July 1, 2013 to June 30, 2014, COUNTY shall pay to ADVERTISER the total sum of \$«Amount» (hereinafter "Advertising Funds"), payable upon execution of this contract.
2. ADVERTISER must submit to the COUNTY receipts of activities performed utilizing the Advertising Funds. Activities must take place between July 1, 2013 and June 30, 2014. Receipts must be remitted to the COUNTY by July 31, 2014. If receipts are not submitted by July 31, 2014, repayment will be required of grant dollars not supported by advertising expense receipts by August 15, 2014. Failure to submit required receipts may jeopardize ability to receive future grant awards.
3. In consideration whereof, ADVERTISER promises and agrees to render the following services to COUNTY during the fiscal year July 1, 2013 to June 30, 2014:

All actions as set forth in the attached, Exhibit A (application for funding). In the case of more than one event, Advertiser will not transfer funds between events without prior approval from the COUNTY's program coordinator.

4. ADVERTISER agrees to keep complete and accurate books and records, and to make available and submit to audit by COUNTY all of ADVERTISER'S books, records, and financial statements upon COUNTY'S request and without prior notice.
5. ADVERTISER warrants to COUNTY that any Advertising funds paid to ADVERTISER by COUNTY pursuant to this Agreement shall be expended for only those purposes authorized by Section 26100 of the Government Code of the State of California and the COUNTY's Advertising and Promotions Policy.
6. Travel expenses, such as transportation and lodging, and/or meal costs, are not allowable advertising and promotions expenses. Advertising Funds may not be used to purchase or lease fixed assets.
7. ADVERTISER agrees to submit copies of all published materials to the County Administrator's Office.
8. Indemnification:
  - a. ADVERTISER agrees to accept all responsibility for loss or damage to any person or entity, including COUNTY, and to indemnify, hold harmless, and release COUNTY, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including ADVERTISER, that arise out of, pertain to, or related to ADVERTISER's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. ADVERTISER's obligations under this Section apply whether or not there is concurrent negligence on COUNTY's part, but to the extent required by law, excluding liability due to COUNTY's conduct. COUNTY shall have the right to select its legal counsel at ADVERTISER's expense, subject to ADVERTISER's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for ADVERTISER or its agents, employees, contractors, subcontractors, or invitees under workers' compensation acts, disability benefits acts, or other employee benefit acts.
  - b. ADVERTISER shall be liable to COUNTY for any loss or damage to COUNTY property arising from or in connection with ADVERTISER's performance hereunder.
9. Non-Discrimination: ADVERTISER shall comply with all applicable federal, state and local laws, rules and regulations in regard to non-discrimination in employment because of race, ancestry, color, sex, age, national origin, religion, marital status, medical condition, or handicap, including the provisions of Article II of Chapter 19 of the Sonoma County Code, prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection.
10. Assignment/Delegation: ADVERTISER shall not assign, sublet, transfer or delegate any interest in or duty under this agreement without written consent of COUNTY, and no assignment shall be of any force or effect whatsoever unless and until so consented.
11. Merger: This writing is intended both as the final expression of the agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to C.C.P. Section 1856. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

12. Termination: At any time, with or without cause, COUNTY shall have the right in its sole discretion, to terminate this Agreement by giving written notice to ADVERTISER. In the event of such termination, COUNTY shall pay ADVERTISER for services rendered satisfactorily and in good faith to such date in an amount which bears the same ratio to the total fees specified in the Agreement as the services satisfactorily rendered hereunder by ADVERTISER bear to the total services otherwise required to be performed for such total fee; provided, however, that there shall be deducted from such amount the amount of damage, if any, sustained by COUNTY by virtue of the breach of the Agreement by ADVERTISER.
13. Repayment: If ADVERTISER fails to comply with the rules and requirements of the Advertising and Promotions Program Policy or the specific Category requirements under which the ADVERTISER received funds, as specified, then ADVERTISER shall, within ten days of receipt of notice of such failure by COUNTY, return all grant funds provided by COUNTY under this Agreement; provided, however, that COUNTY may, in its sole discretion, allow ADVERTISER to retain some or all grant funds if COUNTY determines that the failure was inadvertent or immaterial, or that ADVERTISER has taken action to ensure that the failure will not reoccur.
14. Conflict of Interest: ADVERTISER covenants that it presently has no interest and shall not acquire any interest, direct, or indirect, which would conflict in any manner or degree with the performance of its services hereunder. ADVERTISER further covenants that in the performance of this contract no person having any such interest shall be employed.
15. Attorneys' Fees: In the event the COUNTY brings an action or proceeding for damages arising out of the ADVERTISER's performance under this Agreement or to establish the COUNTY's right or remedy, the COUNTY shall be entitled to recover reasonable attorneys' fees and costs as a part of such action or proceeding.
16. Statutory Compliance: ADVERTISER agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement.
17. AIDS Discrimination: ADVERTISER agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.
18. No Third Party Beneficiaries: Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.
19. Extra or Changed Work: Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. ADVERTISER expressly recognizes that, pursuant to Sonoma County Code Section 1-11, COUNTY personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of ADVERTISER to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter ADVERTISER shall be entitled to no compensation whatsoever for the performance of such work. ADVERTISER further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the COUNTY.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

COUNTY OF SONOMA

DATE: \_\_\_\_\_

By \_\_\_\_\_  
County Administrator, authorized by the  
Chair, Board of Supervisors

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

«Organization»  
«Street»  
«City», «StateZip»

DATE: \_\_\_\_\_

By \_\_\_\_\_  
«Contact»  
«Event»



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 11**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

Efren Carrillo, 565-2241

**Supervisorial District(s):**

Fourth.

**Title:** Disbursement of FY 13/14 Fifth District Advertising Funds.

**Recommended Actions:**

Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entity for advertising and promotions activities for FY 13/14: Sonoma County Tourism Bureau, \$500.

**Executive Summary:**

Category E – Local Events and Organizations of the Advertising and Promotions Program Policy provides grant allocations to each Supervisor, to be distributed at the Supervisor’s discretion. The Fifth District has reviewed applications and wishes to recommend the following FY 13/14 advertising grant award:

- 1.) Sonoma County Tourism Bureau, the promotion and advertising efforts related to the Sonoma County apple promotion events at the Sonoma County Airport; grant award of \$500.

Funds will be distributed upon approval of these awards by Board and execution of Advertising grant agreement contract with the entity. The contracts will be executed by the County Administrator. The contracts will require the County logo on promotional materials produced using the grant award and will require submission to the District Director and County Administrator’s Office of advertising and promotional activity receipts up to the total amount of the grant award.

**Prior Board Actions:**

9/24/13 – Awarded FY 13/14 Category E grants.

**Strategic Plan Alignment** Goal 2: Economic and Environmental Stewardship

Grant funds allow non-profit partners to advertise and grow local events and encourage tourism thereby promoting economic development and growth.

**Fiscal Summary - FY 13-14**

| <b>Expenditures</b>       |               | <b>Funding Source(s)</b> |               |
|---------------------------|---------------|--------------------------|---------------|
| Budgeted Amount           | \$ 500        | County General Fund      | \$            |
| Add Appropriations Req'd. | \$            | State/Federal            | \$            |
|                           | \$            | Fees/Other               | \$ 500        |
|                           | \$            | Use of Fund Balance      | \$            |
|                           | \$            | Contingencies            | \$            |
|                           | \$            |                          | \$            |
| <b>Total Expenditure</b>  | <b>\$ 500</b> | <b>Total Sources</b>     | <b>\$ 500</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

Funds are included in the FY 13/14 budget.

**Staffing Impacts**

| <b>Position Title</b><br>(Payroll Classification) | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|---|---|------------------------------|------------------------------|
|   |   |                              |                              |
|   |   |                              |                              |

**Narrative Explanation of Staffing Impacts (If Required):**

N/A.

**Attachments:**

FY 13/14 Grant Award Agreement Template

**Related Items "On File" with the Clerk of the Board:**

None.

AGREEMENT

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, by and between the COUNTY OF SONOMA, (hereinafter COUNTY) and the «Organization», (hereinafter ADVERTISER).

WITNESSETH:

WHEREAS, ADVERTISER has represented that it is aware of and understands the provisions and requirements of Government Code Section 26100 and COUNTY'S "Advertising and Promotions Program Policy" for the expenditure of funds appropriated under Section 26100, and that any expenditure made by ADVERTISER will be in compliance with Section 26100, the Advertising and Promotions Policy, and this Agreement, and

WHEREAS, COUNTY'S Board of Supervisors has relied on those representations in authorizing the execution of this Agreement, and

WHEREAS, ADVERTISER has applied for and received funding under Category E – Local Events and Organizations category of the Advertising and Promotions Program Policy, and

WHEREAS, ADVERTISER is ready, willing and able to perform the services herein provided to be performed.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. During the fiscal year July 1, 2013 to June 30, 2014, COUNTY shall pay to ADVERTISER the total sum of \$«Amount» (hereinafter "Advertising Funds"), payable upon execution of this contract.
2. ADVERTISER must submit to the COUNTY receipts of activities performed utilizing the Advertising Funds. Activities must take place between July 1, 2013 and June 30, 2014. Receipts must be remitted to the COUNTY by July 31, 2014. If receipts are not submitted by July 31, 2014, repayment will be required of grant dollars not supported by advertising expense receipts by August 15, 2014. Failure to submit required receipts may jeopardize ability to receive future grant awards.
3. In consideration whereof, ADVERTISER promises and agrees to render the following services to COUNTY during the fiscal year July 1, 2013 to June 30, 2014:

All actions as set forth in the attached, Exhibit A (application for funding). In the case of more than one event, Advertiser will not transfer funds between events without prior approval from the COUNTY's program coordinator.



4. ADVERTISER agrees to keep complete and accurate books and records, and to make available and submit to audit by COUNTY all of ADVERTISER'S books, records, and financial statements upon COUNTY'S request and without prior notice.
5. ADVERTISER warrants to COUNTY that any Advertising funds paid to ADVERTISER by COUNTY pursuant to this Agreement shall be expended for only those purposes authorized by Section 26100 of the Government Code of the State of California and the COUNTY's Advertising and Promotions Policy.
6. Travel expenses, such as transportation and lodging, and/or meal costs, are not allowable advertising and promotions expenses. Advertising Funds may not be used to purchase or lease fixed assets.
7. ADVERTISER agrees to submit copies of all published materials to the County Administrator's Office.
8. Indemnification:
  - a. ADVERTISER agrees to accept all responsibility for loss or damage to any person or entity, including COUNTY, and to indemnify, hold harmless, and release COUNTY, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including ADVERTISER, that arise out of, pertain to, or related to ADVERTISER's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. ADVERTISER's obligations under this Section apply whether or not there is concurrent negligence on COUNTY's part, but to the extent required by law, excluding liability due to COUNTY's conduct. COUNTY shall have the right to select its legal counsel at ADVERTISER's expense, subject to ADVERTISER's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for ADVERTISER or its agents, employees, contractors, subcontractors, or invitees under workers' compensation acts, disability benefits acts, or other employee benefit acts.
  - b. ADVERTISER shall be liable to COUNTY for any loss or damage to COUNTY property arising from or in connection with ADVERTISER's performance hereunder.
9. Non-Discrimination: ADVERTISER shall comply with all applicable federal, state and local laws, rules and regulations in regard to non-discrimination in employment because of race, ancestry, color, sex, age, national origin, religion, marital status, medical condition, or handicap, including the provisions of Article II of Chapter 19 of the Sonoma County Code, prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection.
10. Assignment/Delegation: ADVERTISER shall not assign, sublet, transfer or delegate any interest in or duty under this agreement without written consent of COUNTY, and no assignment shall be of any force or effect whatsoever unless and until so consented.
11. Merger: This writing is intended both as the final expression of the agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to C.C.P. Section 1856. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

12. Termination: At any time, with or without cause, COUNTY shall have the right in its sole discretion, to terminate this Agreement by giving written notice to ADVERTISER. In the event of such termination, COUNTY shall pay ADVERTISER for services rendered satisfactorily and in good faith to such date in an amount which bears the same ratio to the total fees specified in the Agreement as the services satisfactorily rendered hereunder by ADVERTISER bear to the total services otherwise required to be performed for such total fee; provided, however, that there shall be deducted from such amount the amount of damage, if any, sustained by COUNTY by virtue of the breach of the Agreement by ADVERTISER.
13. Repayment: If ADVERTISER fails to comply with the rules and requirements of the Advertising and Promotions Program Policy or the specific Category requirements under which the ADVERTISER received funds, as specified, then ADVERTISER shall, within ten days of receipt of notice of such failure by COUNTY, return all grant funds provided by COUNTY under this Agreement; provided, however, that COUNTY may, in its sole discretion, allow ADVERTISER to retain some or all grant funds if COUNTY determines that the failure was inadvertent or immaterial, or that ADVERTISER has taken action to ensure that the failure will not reoccur.
14. Conflict of Interest: ADVERTISER covenants that it presently has no interest and shall not acquire any interest, direct, or indirect, which would conflict in any manner or degree with the performance of its services hereunder. ADVERTISER further covenants that in the performance of this contract no person having any such interest shall be employed.
15. Attorneys' Fees: In the event the COUNTY brings an action or proceeding for damages arising out of the ADVERTISER's performance under this Agreement or to establish the COUNTY's right or remedy, the COUNTY shall be entitled to recover reasonable attorneys' fees and costs as a part of such action or proceeding.
16. Statutory Compliance: ADVERTISER agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement.
17. AIDS Discrimination: ADVERTISER agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.
18. No Third Party Beneficiaries: Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.
19. Extra or Changed Work: Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. ADVERTISER expressly recognizes that, pursuant to Sonoma County Code Section 1-11, COUNTY personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of ADVERTISER to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter ADVERTISER shall be entitled to no compensation whatsoever for the performance of such work. ADVERTISER further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the COUNTY.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

COUNTY OF SONOMA

DATE: \_\_\_\_\_

By \_\_\_\_\_  
County Administrator, authorized by the  
Chair, Board of Supervisors

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

«Organization»  
«Street»  
«City», «StateZip»

DATE: \_\_\_\_\_

By \_\_\_\_\_  
«Contact»  
«Event»



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 12**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** County Administrator's Office

**Staff Name and Phone Number:**

Jennifer Milligan, 565-3783

**Supervisorial District(s):**

All.

**Title:** AB 1600 Development Fees Annual Reports for FY 2012/13.

### **Recommended Actions:**

Adopt concurrent resolution approving and making findings related to the AB 1600 Development Fees Annual Reports for FY 2012/13 for the Regional Parks Department and the Department of Transportation and Public Works.

### **Executive Summary:**

AB 1600 enacted Government Codes Sections 66000-66008, requiring that local agencies prepare annual reports on all development fees collected in the development process to finance public facilities, if those fees were established, increased, or imposed on or after January 1, 1989. It does not include fees charged for processing development applications, development agreements, or reimbursement agreements. The report is due 180 days after the close of each fiscal year and requires that a report concerning each fee fund be made available to the public. Among other fee and project information, balances of any fee deposits that are five or more years old are required to be reported.

Reporting is applicable to the fees collected by the Regional Parks Department and the Department of Transportation and Public Works. Annually, each agency provides reports on fee programs under its jurisdiction in compliance with AB1600, as well as applicable County Code sections. Each agency's report includes the following components:

1. A narrative summary of the financial statement.
2. A brief project status statement for each capital project referenced in the financial statement.
3. The financial statement, in a format developed by the Auditor-Controller-Treasurer-Tax Collector.

### **Regional Parks**

The Regional Parks Department's report covers Park Mitigation fees under Chapter 25, Article VI – Public Improvements, Sections 25-58 of the [Sonoma County Code](#), requiring the dedication of park land and/or payment of in lieu fees from developers and home builders. First established in 1986, the purpose of

the Ordinance is to assist the County in acquiring and developing parks to meet the growing population as a direct correlation to the development and construction of new homes. The Ordinance requires the Director of Regional Parks to report to the Board annually on the income and appropriations in each of the seven areas covered by the Park Mitigation Fee Ordinances. In addition, State law requires that all agencies imposing development impact fees file an annual report on the balances of any fees deposits that are five or more years old.

Park mitigation fees for FY 12/13 were set during the annual consolidated fee hearings in April 2012. The fee rate for FY 12/13 was established at \$3,165 per developed unit. The beginning fund balance as of July 1, 2012, in the Park Mitigation Funds (seven areas) was \$1,144,443. Total fees collected were \$495,129. Thus, the total fees plus interest earned in the Park Mitigation Fee Trust Fund in FY 12/13 was \$506,441. A total of \$243,135 was transferred to 19 capital projects for the planning design and construction of new and expanded park facilities. No funding collected on or before FY 07/08 remains unspent in any of the seven Park Mitigation Fee Trust accounts as of June 30, 2013. The year's ending fund balance was \$1,407,749 which will be used for various park acquisition and development projects identified in the Five Year Capital Project Plan.

The FY 13/14 Budget approved the use of available fund balance and future park mitigation fees to be collected to partially fund 29 projects. This includes six projects in Area 1, three in Area 2, seven in Area 3, three in Area 4, three in Area 5, six in Area 6, and one in Area 7. Park Mitigation Fees are also used to leverage grants and other matching contributions at an approximate ratio of 3 to 1.

#### **Transportation and Public Works**

Under AB 1600, Transportation and Public Works (TPW) has prepared fiscal information reports for the traffic mitigation fee programs listed below. The purpose of the traffic mitigation fees adopted by [ordinance](#) (Section 26-98 of the [Sonoma County Code](#)) is to pay the costs of roadway facilities and improvements in accordance with the provisions of the general plan. Under AB 1600 and the Sonoma County Code, Transportation and Public Works (TPW) reports on the following traffic mitigation fee programs:

1. Countywide Traffic Mitigation- In May 1990, the Board established the Countywide Development Fees (Sec. 26-98-605), which apply to all unincorporated lands within the boundary of the county except for those lying within the boundaries of the Sonoma Valley development fee impact area. The beginning balance as of July 1, 2012 was \$9,341,389. Collected fees and interest earnings, net of refunds, total \$807,685. Funds expended during FY 12/13 total \$1,364,094, for an ending balance as of June 30, 2013 of \$8,784,980. Fees which remain unexpended for five years or more total \$5,770,742 and have been committed to the following traffic capacity increasing projects: Airport Blvd at Hwy 101 Interchange and the Porter Creek Bridge.
2. Sonoma Valley Traffic Mitigation - In 1989, the Board adopted Ordinance No. 4073 (Sec. 26-98-010) establishing development fees to finance the improvements of certain public facilities and services within the Sonoma Valley area. The beginning balance as of July 1, 2012 was \$959,239. Collected fees and interest earnings total \$168,192. Funds expended during the FY total \$189,793, for an ending balance, as of June 30, 2013, of \$937,638. Fees which remain unexpended for five years or more total \$359,890 and have been committed to the following traffic capacity increasing projects: Hwy 12 at Madrone approach and Arnold Dr. at Agua Caliente intersection.

3. Moorland Avenue Drainage Mitigation - In 1988, the Board of Supervisors adopted Ordinance No. 3841 (Sec. 26-98-500) establishing development fees to finance the cost of improving certain public facilities within the Moorland Avenue Plan Area. These funds are paid to South Park Sanitation District in repayment of the cost of those improvements. The current fund balance is \$71 and no fees have been collected or improvement expenses incurred in several years. The Moorland Avenue Drainage Project has been completed and the funds expended appropriately on that project. As the project is completed and no new fees are being collected, staff will be closing this fund in FY 13/14 and transferring any remaining funds to the Water Agency to be used for any future Moorland area improvements as authorized by Government Code section 66001(e).

In January, the fees for the above three programs are adjusted annually based on the Construction Cost Index per the ordinance. Fees are collected by Permit Resource Management Department as part of the permitting process.

**Sonoma County Water Agency**

The Water Agency previously reported on certain fees collected on sewer system and connections. Following review by Counsel and the legal statutes and requirements, it was determined that these fees are exempt from the AB 1600 requirements.

**Reports and Findings**

There are no Regional Parks collected fees that are unexpended for a period of five years or more in all the reported funds. Transportation and Public Works’ have a total of \$5,770,742 in unexpended funds in the Countywide Development Fee Program and \$359,890 in the Sonoma Valley Development Fee Program. These unexpended funds are programmed to be spent in FY 13/14 on the following projects:

- 1.) Airport Blvd @ Hwy 101 Interchange
- 2.) Porter Creek Bridge
- 3.) Highway 12 @ Madrone Approach
- 4.) Arnold Drive @ Aqua Caliente Intersection Improvements

The AB 1600 Development Fees Annual Reports for Department of Transportation and Public Works and Regional Parks and affected agencies under each of the department's control were made available for public review on November 15, 2013, and are on file with the Clerk.

Requested Board action includes the adoption of the attached concurrent resolution approving and making findings related to the AB 1600 Development Fees Annual Reports for the Regional Parks and the Department of Transportation and Public Works.

**Prior Board Actions:**

The Board has annually approved AB 1600 Development Fee Reports, with the most recent report approved on 12/4/12.

**Strategic Plan Alignment**      Goal 2: Economic and Environmental Stewardship

Mitigation fees are invested in the community in the form of public infrastructure, facilities, and parks

and trails. The annual AB 1600 report provides investment information which is relevant to the County's overall economic and environmental stewardship goal.

**Fiscal Summary - FY 13-14**

| <b>Expenditures</b>       |             | <b>Funding Source(s)</b> |             |
|---------------------------|-------------|--------------------------|-------------|
| Budgeted Amount           | \$          |                          | \$          |
| Add Appropriations Req'd. | \$          | State/Federal            | \$          |
|                           | \$          | Fees/Other               | \$          |
|                           | \$          | Use of Fund Balance      | \$          |
|                           | \$          | Contingencies            | \$          |
|                           | \$          |                          | \$          |
| <b>Total Expenditure</b>  | <b>\$ 0</b> | <b>Total Sources</b>     | <b>\$ 0</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

There is no impact to the FY 13/14 budget. This report is administrative and intended to document development impact fees accumulated and investment activities completed in FY 12/13.

**Staffing Impacts**

| <b>Position Title</b><br>(Payroll Classification) | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|---|---|------------------------------|------------------------------|
|   |   |                              |                              |
|   |   |                              |                              |

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

Resolution.

**Related Items "On File" with the Clerk of the Board:**

AB 1600 Development Fees Annual Report.



County of Sonoma  
State of California

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Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

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4/5 Vote Required

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**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,  
Approving The AB 1600 Development Fees Annual Reports And Making Findings In  
Connection With The Following Funds: Park Mitigation, Countywide Traffic Mitigation,  
Sonoma Valley Traffic Mitigation, and Moorland Avenue Drainage Mitigation.**

**Whereas**, under existing law, local agencies must provide the public with specified information relating to fees which have been collected in connection with the approval of development projects; and

**Whereas**, this information must be provided within 180 days from the close of each fiscal year and must be reviewed by the public agency's legislative body; and

**Whereas**, Regional Parks Department and the Department of Transportation and Public Works have prepared reports entitled FY 2012/13 Annual Report on Park Mitigation Fees and 2012/2013 Status Report for the various Transportation and Public Works fee programs. These reports contain all information required by law regarding the various fee programs, and have been filed and made publicly available within the times required by law; and

**Whereas**, the Board of Supervisors and Board of Directors have reviewed the reports.

**Now, Therefore, Be It Resolved** that the Board of Supervisors hereby find, determine and declare as follows:

1. All of the above recitals are true and correct; and
2. Except to the extent that findings are made below, no funds have remained unexpended for a period of five (5) years or more.

**Be It Further Resolved** that with respect to unexpended funds remaining in the Countywide and Sonoma Valley Development Fee Programs, the Board finds, determines and declares as follows:

1. These funds were collected to pay the cost of roadway facilities and improvements in accordance with the provisions of the Sonoma County General Plan, including the Circulation and Transit Element, to implement the County's General Plan, and to use the



Resolution #

Date:

Page 2

authority of Article XI, Section 7 of the California Constitution by imposing development fees to fund the cost of certain facilities and services in the Countywide and Sonoma Valley Development Fee Impact Areas; and

2. There is a reasonable relationship between the fee and the purpose for which it is charged in that development fees are used to finance traffic mitigation for capacity increasing/congestion reducing improvements to roadways as a result of a development project; and

3. The sources and amounts of funding anticipated to complete or pay for the Countywide and Sonoma Valley mitigation ordinances share of the projects in FY 2013/14 are as follows:

- a) Airport Blvd @ Hwy 101 Interchange: (\$5,100,000)-Mitigation; (\$2,346,000)- Measure M (LSP); (\$8,986,000)- Measure M (101); (\$1,866,000)-Prop 1B (SLPP); (\$18,792,000)- Prop 1B (CMIA); estimated completion in 2014.
- b) Porter Creek Road over Porter Creek: (\$41,384) – Mitigation; (\$330,000) – Proposition 1B; (\$4,800,000) – Fed Bridge Program; estimated completion in 2014.
- c) Arnold Drive @ Aqua Caliente: (\$400,000) - SV Mitigation; (\$650,000) - Measure M; (\$900,000) – Prop 1B; estimated completion in 2013.
- d) Highway 12 @ Madrone: (\$206,040) – SV Mitigation; estimated completion in 2014.

4. Funds for projects mentioned in paragraph 3 have been or will be deposited into the corresponding Road Capital Fund Index at the time construction and engineering contracts for these projects are expended, right-of-way acquisition agreements are processed, or staff time is charged to the project.

5. The Moorland Avenue Drainage project has already been completed by the Sonoma County Water Agency. No fees were collected in FY 2012/13 and the fee has been suspended. There is a \$71.00 balance in the fund that will be expended on other Moorland Area improvements as authorized by Government Code section 66001(e). The fund will be closed in FY 2013/14.

**Be It Further Resolved** that the Board of Supervisors hereby approve the A.B. 1600 Development Fees Annual Reports for FY 2012/13 for the above fee programs.

**Supervisors:**

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 13**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Fire and Emergency Services

**Staff Name and Phone Number:**

Terri Bolduc, 565-6093

**Supervisorial District(s):**

All

**Title:** Approval of Volunteer Fire Assistance Program Award

### **Recommended Actions:**

- 1) Adopt a resolution
  - a) Approving the Volunteer Fire Assistance Program Award #7FG13059 in the amount of \$19,577 for personal protective equipment and
  - b) Authorizing the Chair to execute an agreement between the County of Sonoma and the State of California Department of Forestry and Fire Protection.
- 2) Authorize the use of matching funds from County Service Area 40 Fund Balance in the amount of \$19,577.

### **Executive Summary:**

The California Department of Forestry and Fire Protection (CalFire) has a Volunteer Fire Assistance (VFA) grant program for local volunteer fire departments. The main purpose of the grant program is to provide matching funds to volunteer fire departments for the purchase of fire equipment to enhance their fire suppression abilities and to provide greater safety for the volunteers who serve them.

The Fire and Emergency Services Department (County Fire) has applied for, and has been approved to receive funds from CalFire's Volunteer Fire Assistance Program to assist with our personal protective equipment needs.

Sonoma County's County Service Area #40 (CSA 40) includes fifteen all-volunteer fire departments, which are coordinated by County Fire. The 260 CSA 40 volunteers provide primary response in rural wildland/urban interface areas, as well as mutual aid to neighboring agencies, including CalFire. Several of the communities within CSA 40 have been ranked as high risk by the California Fire Plan and wildland fires pose a continual, major threat.

Because of the significant risks of wildland incidents in our response areas, our primary goal for funds awarded from the CalFire VFA grant is to outfit each volunteer with tent shelters and web gear

compliant with the new National Fire Protection Association (NFPA) standards. We have prioritized delivery of this crucially needed equipment to the volunteer fire departments in the areas of highest risk and which have the most wildland responses.

We are replacing the older models of web gear; 180 NFPA-compliant sets are needed to outfit all remaining volunteers. Approximately 50 tent shelters are needed to replace worn or damaged shelters and for new recruits. The newer model of tent shelters provides substantially greater protection, since it is designed to withstand greater heat and provide more air space protection. The grant with the matching fund amount will allow us to replace all 180 of our older models of web gear and 50 replacement tent shelters. County Fire provides annual training on the use of the new gear as well as wildland firefighting and other areas of fire suppression and safety. All volunteer fire departments will receive equipment from this grant.

This item requests that your Board approve the receipt of the Volunteer Fire Assistance Program grant and execute the agreement with the State of California Department of Forestry and Fire Protection to receive the grant funds to carry out the provisions of the grant project.

The total cost of the project is \$39,154. The grant funding will provide 50% of the project cost on a matching fund basis in the amount of \$19,577, and the matching County Fire - CSA 40 portion of the project will be \$19,577 to be funded by the CSA 40-Unreserved Undesignated Fund balance. The budget adjustment for the grant appropriations will be included in the second consolidated quarterly budget adjustments.

**Prior Board Actions:**

The Board approved a previous VFA grant on January 8, 2013, resolution number 13-0003, and has approved similar grants in the past.

**Strategic Plan Alignment**      Goal 1: Safe, Healthy, and Caring Community

This equipment will allow our firefighters to more effectively and safely fight wildland fires leading to greater firefighter safety and a safer environment for the public.

**Fiscal Summary - FY 13-14**

| Expenditures              |                  | Funding Source(s)    |                  |
|---------------------------|------------------|----------------------|------------------|
| Budgeted Amount           | \$ 39,154        |                      | \$               |
| Add Appropriations Req'd. | \$               | State/Federal        | \$               |
|                           | \$               | Fees/Other           | \$ 19,577        |
|                           | \$               | Use of Fund Balance  | \$ 19,577        |
|                           | \$               | Contingencies        | \$               |
|                           | \$               |                      | \$               |
| <b>Total Expenditure</b>  | <b>\$ 39,154</b> | <b>Total Sources</b> | <b>\$ 39,154</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

The total project cost is \$39,154, of which \$19,577 will be reimbursed by the grant and \$19,577 will be funded from the CSA 40 Fund Balance, to be included in the second quarterly budget adjustment.

**Staffing Impacts**

| <b>Position Title</b><br>(Payroll Classification) | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|---|---|------------------------------|------------------------------|
|   |   |                              |                              |
|   |   |                              |                              |

**Narrative Explanation of Staffing Impacts (If Required):**

No staffing impacts

**Attachments:**

1. Resolution as required by the agreement,
  - a) approving the Volunteer Fire Assistance Program Award #7FG13059 in the amount of \$19,577 for personal protective equipment and
  - b) authorizing the Chair to execute an agreement between the County of Sonoma and the State of California Department of Forestry and Fire Protection.
2. Volunteer Fire Assistance Program Agreement

**Related Items "On File" with the Clerk of the Board:**

Five (5) copies of the Volunteer Fire Assistance Program Agreement for the Chair's signature.



County of Sonoma  
State of California

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Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

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4/5 Vote Required

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**Resolution of the Board of Supervisors of the County of Sonoma, State of California,  
Approving the Volunteer Fire Assistance Program Award #7FG13059 in the Amount of  
\$19,577 for Personal Protective Equipment and Authorizing the Chair to Execute the  
Agreement between the County of Sonoma and the State of California Department of  
Forestry and Fire Protection for Services**

**Whereas**, our county has significant risks of wildland/urban interface fires; and

**Whereas**, our County Services Area #40 volunteer firefighters require wildland firefighting gear compliant with National Fire Protection Association standards

**Now, Therefore, Be It Resolved** that the Agreement with the California Department of Forestry and Fire Protection is hereby approved dated as of the last signatory date on page 6 of the Agreement to June 30, 2013 under the Volunteer Fire Assistance Program for the Cooperative Forestry Assistance Act of 1978 during the State fiscal year 2013-14 up to an no more than the amount of \$19,577

**Be It Further Resolved** that the Chair of the Sonoma County Board of Supervisors is hereby authorized to sign and execute said Agreement and any amendments on behalf of the Sonoma County Fire and Emergency Services Department.

**Supervisors:**

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**

**VOLUNTEER FIRE ASSISTANCE PROGRAM  
AGREEMENT  
PAGE 1 OF 6**

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

STATE OF CALIFORNIA  
Natural Resources Agency

Agreement for the Volunteer Fire Assistance Program of the  
Cooperative Forestry Assistance Act of 1978

THIS AGREEMENT, made and entered into **ON THE LAST SIGNATORY DATE ON PAGE 6**, by and between the STATE of California, acting through the Director of the Department of Forestry and Fire Protection hereinafter called "STATE", and County of Sonoma Fire +

EMERGENCY SERVICES Dept. hereinafter called "LOCAL AGENCY", covenants as follows:

RECITALS:

1. STATE has been approved as an agent of the United States Department of Agriculture, (USDA), Forest Service for the purpose of administering the Cooperative Forestry Assistance Act (CFAA) of 1978 (PL 95-313, United States Code, Title 16, Chapter 41, Section 2010 et seq., Volunteer Fire Assistance Program), hereinafter referred to as "VFA", and
2. The VFA has made funds available to STATE for redistribution, under certain terms and conditions, to LOCAL AGENCY to assist LOCAL AGENCY to upgrade its fire protection capability, and
3. LOCAL AGENCY desires to participate in said VFA.

NOW THEREFORE, it is mutually agreed between the parties as follows:

4. **APPROVAL: This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. LOCAL AGENCY may not commence performance until such approval has been obtained.**
5. **TIMELINESS: Time is of the essence in this Agreement.**
6. **FORFEITURE OF AWARD: LOCAL AGENCY must return this Agreement and required resolution properly signed and executed to STATE at the address specified in paragraph 11, with a postmark no later than December 1, 2013 or LOCAL AGENCY will forfeit the funds.**

**VOLUNTEER FIRE ASSISTANCE PROGRAM  
AGREEMENT  
PAGE 2 OF 6**

7. GRANT AND BUDGET CONTIGENCY CLAUSE: It is mutually understood between the parties that this **Agreement** may have been written for the mutual benefit of both parties before ascertaining the availability of congressional appropriation of funds, to avoid program and fiscal delays that would occur if the **Agreement** were executed after that determination was made.

This **Agreement** is valid and enforceable only if sufficient funds are made available to the STATE by the United States Government for the State Fiscal Year 2013-14 for the purpose of this program. In addition, this **Agreement** is subject to any additional restrictions, limitations, or conditions enacted by the Congress or to any statute enacted by the Congress that may affect the provisions, terms, or funding of this **Agreement** in any manner.

The parties mutually agree that if the Congress does not appropriate sufficient funds for the program, this **Agreement** shall be amended to reflect any reduction in funds.

The STATE has the option to invalidate the **Agreement** under the 30-day cancellation clause or to amend the **Agreement** to reflect any reduction in funds.

8. REIMBURSEMENT: STATE will reimburse LOCAL AGENCY, from funds made available to STATE by the Federal Government, an amount not to exceed \$19577 on a 50/50 matching funds basis, for the performance of specific projects and/or purchase of specific items identified in Exhibit(s) A, Application for Funding, attached hereto. **Reimbursement will be only for those projects accomplished and/or items purchased between THE LAST SIGNATORY DATE ON PAGE 6 and JUNE 30, 2014.** This sum is the sole and maximum payment that STATE will make pursuant to this Agreement. **LOCAL AGENCY must bill STATE, in triplicate, at the address specified in paragraph 11, with a postmark no later than August 31, 2014 in order to receive the funds.** The bill submitted by LOCAL AGENCY must clearly delineate the projects performed and/or items purchased. A vendor's invoice or proof of payment to vendor(s) must be included for items purchased.
9. LIMITATIONS: Expenditure of the funds distributed by STATE herein is subject to the same limitations as placed by the VFA, upon expenditure of United States Government Funds. Pursuant to Title 7 of the Code of Federal Regulations, Section 3016.32 subject to the obligations and conditions set forth in that section; title to any equipment and supplies acquired under this **Agreement** vests with the LOCAL AGENCY. For any equipment items over \$5,000, the federal government may retain a vested interest in accordance with paragraph 16 below.
10. MATCHING FUNDS: Any and all funds paid to LOCAL AGENCY under the terms of this **Agreement**, hereinafter referred to as "VFA Funds", shall be matched by LOCAL AGENCY on a dollar-for-dollar basis, for each project listed on attachment(s) hereto identified as "Exhibit(s) A". No amount of unpaid "contributed" or "volunteer" labor or services shall be used or consigned in calculating the matching amount "actually spent" by LOCAL AGENCY.

LOCAL AGENCY shall not use VFA Funds as matching funds for other federal grants, including Department of Interior (USDI) Rural Fire Assistance grants, nor use funds from other federal grants, including USDI Rural Fire Assistance grants, as matching funds for VFA Funds.



**VOLUNTEER FIRE ASSISTANCE PROGRAM  
AGREEMENT  
PAGE 3 OF 6**

11. ADDRESSES: The mailing addresses of the parties hereto, for all notices, billings, payments, repayments, or any other activity under the terms of the Agreement, are:

LOCAL AGENCY: SONOMA COUNTY FIRE & EMERGENCY SVCS. DEPT.  
2300 COUNTY CTR. DR. #B220  
SANTA ROSA, CA 95403-3010  
Attention: WES KITCHEL  
Telephone Number(s): 707-565-1152  
FAX Number: 707-565-1172  
E-mail wesley.kitchel@sonoma.county.org

STATE: **Department of Forestry and Fire Protection  
Cooperative Fire Programs, Room 1653-2A  
P. O. Box 944246  
Sacramento, California 94244-2460  
PHONE: (916) 653-6179  
FAX (916) 653-9708**

12. PURPOSE: Any project to be funded hereunder must be intended to specifically assist LOCAL AGENCY to organize, train, and/or equip local firefighting forces in the aforementioned rural area and community to prevent or suppress fires which threaten life, resources, and/or improvements within the area of operation of LOCAL AGENCY.
13. COMBINING: In the event funds are paid for two or more separate, but closely related projects, the 50/50 cost-sharing formula will be applied to the total cost of such combined projects.
14. OVERRUNS: In the event that the total cost of a funded project exceeds the estimate of costs upon which this Agreement is made, LOCAL AGENCY may request additional funds to cover the **Agreement** share of the amount exceeded. However, there is no assurance that any such funds are, or may be, available for reimbursement. Any increase in funding will require an amendment.
15. UNDERRUNS: In the event that the total cost of a funded project is less than the estimate of costs upon which this **Agreement** is made, LOCAL AGENCY may request that additional eligible projects/items be approved by STATE for **Agreement** funding. However, there is no assurance that any such approval will be funded. Approval of additional projects/items, not listed on the Exhibit A application, made by STATE, will be in writing and will require an amendment.
16. FEDERAL INTEREST IN EQUIPMENT: The Federal Government has a vested interest in any item purchased with VFA funding in excess of \$5,000 regardless of the length of this **Agreement**, until such time as the fair market value is less than \$5,000. The VFA percentage used to purchase the equipment will be applied to the sale price and recovered for the Government during the sale. This percentage will remain the same even following depreciation.



**VOLUNTEER FIRE ASSISTANCE PROGRAM**  
**AGREEMENT**  
**PAGE 4 OF 6**

The Federal Government may not have to be reimbursed if the disposal sale amounts to a fair market value of less than \$5,000. LOCAL AGENCY will notify STATE Sacramento Property Office of the disposal of such items.

17. EQUIPMENT INVENTORY: Any single item purchased in excess of \$5,000 will be assigned a VFA Property Number by the STATE Sacramento Property Office. LOCAL AGENCY shall forward a copy of the purchase documents listing the item, brand, model, serial number, any LOCAL AGENCY property number assigned, and a LOCAL AGENCY contact and return address to STATE at the address specified in paragraph 11. The STATE Sacramento Property office will advise the appropriate STATE Unit and LOCAL AGENCY contact of the VFA Property Number assigned.
18. AUDIT: LOCAL AGENCY agrees that the STATE, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this **Agreement**. LOCAL AGENCY agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. LOCAL AGENCY agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, LOCAL AGENCY agrees to include a similar right of the State of California to audit records and interview staff in any subcontract related to performance of this **Agreement**. (GC 8546.7, PCC 10115 et seq., CCR Title 2, Section 1896).
19. DISPUTES: In the event of any dispute over qualifying matching expenditures of LOCAL AGENCY, the dispute will be decided by STATE and its decision shall be final and binding.
20. INDEMNIFICATION: LOCAL AGENCY agrees to indemnify, defend, and save harmless, the STATE, its officers, agents, and employees, from any and all claims and losses, accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this **Agreement**, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by LOCAL AGENCY in the performance of this **Agreement**.
21. DRUG-FREE WORKPLACE REQUIREMENTS: LOCAL AGENCY will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:
  - a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

**VOLUNTEER FIRE ASSISTANCE PROGRAM  
AGREEMENT  
PAGE 5 OF 6**

- b. Establish a Drug-Free Awareness Program to inform employees about:
- 1) the dangers of drug abuse in the workplace;
  - 2) the person's or organization's policy of maintaining a drug-free workplace;
  - 3) any available counseling, rehabilitation and employee assistance programs; and,
  - 4) penalties that may be imposed upon employees for drug abuse violations.
- c. Every employee who works on the proposed **Agreement** will:
- 1) receive a copy of the company's drug-free workplace policy statement; and,
  - 2) agree to abide by the terms of the company's statement as a condition of employment on the **Agreement**.

Failure to comply with these requirements may result in suspension of payments under the **Agreement** or termination of the **Agreement** or both and LOCAL AGENCY may be ineligible for funding of any future State **Agreement** if the department determines that any of the following has occurred: (1) the LOCAL AGENCY has made false certification, or violated the certification by failing to carry out the requirements as noted above. (GC 8350 et seq.)

22. **TERM: The term of the Agreement SHALL COMMENCE ON THE LAST SIGNATORY DATE ON PAGE 6 and continue through June 30, 2014.**
23. **TERMINATION:** This **Agreement** may be terminated by either party giving 30 days written notice to the other party or provisions herein amended upon mutual consent of the parties hereto.
24. **AMENDMENTS:** No amendment or variation of the terms of this **Agreement** shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or **Agreement** not incorporated in the **Agreement** is binding on any of the parties.
25. **INDEPENDENT CONTRACTOR:** LOCAL AGENCY, and the agents and employees of LOCAL AGENCY, in the performance of this **Agreement**, shall act in an independent capacity and not as officers or employees or agents of the STATE or the Federal Government.

**VOLUNTEER FIRE ASSISTANCE PROGRAM  
AGREEMENT  
PAGE 6 OF 6**

IN WITNESS WHEREOF, the parties have executed this Agreement as of the last signatory date below.

STATE OF CALIFORNIA  
DEPARTMENT OF FORESTRY  
AND FIRE PROTECTION

LOCAL AGENCY

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

By: \_\_\_\_\_  
\*Signature

\_\_\_\_\_  
Dan Sendek  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Staff Chief  
Title  
Cooperative Fire Programs

\_\_\_\_\_  
\*\*Title

\_\_\_\_\_  
Last Signatory Date

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

\*Ensure that the officer signing here for LOCAL AGENCY IS THE SAME Officer authorized in the Resolution to execute this Agreement.

\*\*Ensure that the title entered here IS THE SAME title used in the Resolution for the Officer who is executing this Agreement.

\*\*\*Ensure that the date LOCAL AGENCY signs IS THE SAME DATE as the Resolution date OR LATER.

**FOR STATE USE ONLY**

|  |  |               |                 |                       |
|--|--|---------------|-----------------|-----------------------|
| AMOUNT ENCUMBERED BY THIS DOCUMENT<br><b>\$19,577</b>  | PROGRAM/CATEGORY (CODE AND TITLE)<br>Support                   |               |                 | FUND TITLE<br>Federal |
|  | (OPTIONAL USE)<br>Vendor #                                     |               |                 |                       |
| PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT<br><b>\$0</b>   | ITEM<br>3540-001-0001  | CHAPTER<br>21 | STATUTE<br>2013 | FISCAL YEAR<br>13/14  |
| TOTAL AMOUNT ENCUMBERED TO DATE<br><b>\$19,577</b>   | OBJECT OF EXPENDITURE (CODE AND TITLE)<br>13-9214-418.99-92522 |               |                 |                       |
| <i>I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.</i> |  | T.B.A. NO.    | B.R. NO.        |                       |
| SIGNATURE OF CDF ACCOUNTING OFFICER<br><b>X</b>  |  | DATE          |                 |                       |

**Department of General Services  
Use Only**

DGS APPROVAL NOT  
REQUIRED PER SAM 1215

CONTRACTOR

STATE AGENCY

DEPT. OF GEN. SER.

CONTROLLER

**EXHIBIT A**  
**CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION** Attachment 2  
**APPLICATION FOR FUNDING**  
**COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978**  
**VOLUNTEER FIRE ASSISTANCE PROGRAM - Agreement #7FG 13059**

Type or print neatly in ink. Complete in duplicate: Submit original to CAL FIRE Operational Unit and keep one copy for your file.

**A. DEPARTMENT/ORGANIZATION**

Name: Sonoma County Fire & Emergency Services (CSA#40)

Street Address: 2300 County Center Drive, Suite B220

Mailing Address: \_\_\_\_\_

City, State, Zip: Santa Rosa, CA 95403

Telephone: 707-565-1152

**B. AREA TO BE SERVED BY AWARD (Includes areas covered by contract or written mutual aid agreements).**

Number of Communities: 15+ Area: 647 sq. miles Congressional District #: 1,6

Population: 162,000 Annual Budget: \$379,291 Latitude 122 53' 14"

Longitude 38 21' 43"

**C. ACTIVITY: Average annual number of emergency incidents.**

Fire: 170 EMS: 825 Other: 517 = **Total:** 1512

**D. PURPOSE OF GRANT (Check all that apply. HazMat, EMS, and Rescue equipment are not authorized).**

Safety Equipment \_\_\_\_\_ Fire equipment  Radio Equipment \_\_\_\_\_ Training \_\_\_\_\_

**E. PROPOSED PROJECT (List individual items for funding):**

| <u>Item (Group by project type)</u>  | <u>Quantity</u> | <u>Unit Cost</u> | <u>Total</u>               |
|--|-----------------|------------------|----------------------------|
| 1. <u>Web gear</u>   | <u>180</u>      | <u>125.28</u>    | <u>22,550.40</u>           |
| 2. <u>Fire shelter - regular</u>   | <u>33</u>       | <u>242.47</u>    | <u>8,001.51</u>            |
| 3. <u>Fire shelter - large</u>   | <u>17</u>       | <u>320.66</u>    | <u>5,451.22</u>            |
| 4. <u>tax @ 8.75%</u>  |                 |                  | <u>3,150.27</u>            |
| 5. _____   |                 |                  |                            |
| 6. _____   |                 |                  |                            |
| 7. _____   |                 |                  |                            |
| 8. _____   |                 |                  |                            |
| 9. _____   |                 |                  |                            |
| <b>PROJECT TOTAL COST</b>  |                 |                  | <b>\$ <u>39,153.40</u></b> |
| <b>F. TOTAL APPLICATION REQUEST (UP TO 50%; \$500 minimum; Possible \$20,000 maximum).</b> |                 |                  | <b>\$ <u>19,576.70</u></b> |
| <b>AMOUNT FUNDED FOR THIS AGREEMENT</b>  |                 |                  | <b>\$ <u>19,576.70</u></b> |

**G. INDIAN TRIBAL COMMUNITY (If project includes an Indian Tribal Community, please provide):**

Attachment 2

Population: \_\_\_\_\_

Number of Structures: \_\_\_\_\_

Size (acres): \_\_\_\_\_

Distance to nearest fire station (miles): \_\_\_\_\_

**H. ADDITIONAL INFORMATION (Briefly describe the area to be served: fire protection system; water system; equipment; facilities; equipment; staffing; hazards; etc.; Briefly explain purpose of project):**

Sonoma County's County Service Area #40 (CSA #40) includes fifteen all-volunteer fire departments, which are coordinated by the Sonoma County Fire and Emergency Services Department. The 260 volunteers of CSA #40 provide primary response in rural Wildland/Urban Interface areas, as well as mutual aid to neighboring agencies, including CalFire. Several of the communities within CSA #40 have been ranked as high-risk in the California Fire Plan, and wildland fires pose a continual, major threat.

Because of the significant risks of wildland incidents in our response areas, our primary goal for funds awarded from the CalFire VFA grant have been to outfit each volunteer with tent shelters and web gear compliant to new NFPA standards. We have prioritized delivery of this crucially needed equipment to the volunteer fire departments in the areas of highest risk and that have the most wildland responses.

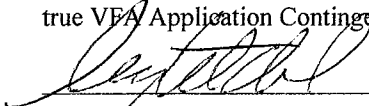
We are replacing older models of web gear: 180 NFPA compliant sets are needed to outfit all remaining volunteers. Approximately 50 tent shelters are needed to replace worn or damaged shelters and for new recruits. The newer model of tent shelters provide substantially greater protection, since it is designed to withstand greater heat and provide more air space protection.

Fire & Emergency Services provides annual training on the use of the new gear as well as wildland firefighting and other areas of fire suppression and safety. Insurance and some basic fire equipment is also provided for the volunteer departments, but the volunteers mostly rely on fundraisers and donations to fund the majority of their operating expenses and major equipment purchases.

In addition to the original request(s), Applicants may list alternative projects for excess or unused funds, which the State will review during the initial application process. The State will determine which of the Applicant's projects are eligible for funding if excess or unused funds become available. Upon advanced written approval by the State, the applicant may use additional/excess funding, up to the contract maximum amount; to purchase State approved items in listed order of priority on their application.

Deviations from the original application are considered an amendment and require additional processing and approvals before expenditures can be approved.

**The funds will be only for those projects accomplished and/or items purchased between Agreement Approval Date and June 30, 2014. The Recipient agrees to provide the CAL FIRE itemized documentation of the Agreement project expenditures and bill the CAL FIRE as soon as the project is complete, but no later than September 1, 2014.** The Recipient gives the CAL FIRE or any authorized representative access to examine all records, books, papers, or documents relating to the Agreement. The Recipient shall hold harmless the CAL FIRE and its employees for any liability or injury suffered through the use of property or equipment acquired under this Agreement. The applicant certifies that to the best of applicant's knowledge and belief, the data in this application is true VFA Application Contingency Clause

  
Authorized Representative Signature  
Assistant Chief  
Title

WESLEY KITCHEL  
Printed Name  
4/16/13  
Date





## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)  
(916) 653-7772



**Grant Assurances for  
Cooperative Forestry Assistance Act of 1978, Volunteer Fire Assistance**

Name of Applicant: Sonoma County Fire & Emergency Services (CSA #40)

Address: 2300 County Center Dr, Suite B220

City: Santa Rosa State: CA Zip Code: 95403

Telephone Number: (707) 565-1152

Fax Number: (707) 565-1172

E-Mail Address: wesley.kitchel@sonoma-county.org

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Has the legal authority to apply for the Volunteer Fire Assistance grant, of the Cooperative Forestry Assistance Act of 1978 and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant.
2. Will assure that grant funds are used only for items requested in the application.
3. Assures that all wildland fire response employees (full-time, part-time or volunteer) are fully equipped with appropriate wildland fire response personal protective equipment that meets NFPA 1977, *Standard on Protective Clothing and Equipment for Wildland Fire Fighting*, and are trained to a proficient level in the use of the personal protective equipment. Wildland fire suppression safety clothing and equipment includes:

- Safety helmet
- Goggles
- Ear protection
- Fire resistant (i.e. Nomex) hood, shroud, or equivalent face and neck protection
- Fire resistant (i.e. Nomex) shirt and pants
- Gloves
- Safety work boots
- Wildland fire shelter
- Communications equipment

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

- 4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- 5. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.
- 6. Will comply with all applicable requirements of all other federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.
- 7. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.

In compliance with NFPA 1977 and trained in the use of wildland PPE.

Not in compliance with NFPA 1977 but are applying for grant funding to purchase PPE and/ or provide required training.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent: 

Printed Name of Authorized Agent: WESLEY RITCHIE

Title: ASSISTANT CHIEF Date: 4/16/13



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 14**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** General Services; Sheriff

**Staff Name and Phone Number:**

Teryl Phillips, General Services 565-2143  
Sgt Dennis Smiley, Sheriff 565-2411

**Supervisorial District(s):**

All

**Title:** Sleepy Mountain CHP License Amendment No. 1

### **Recommended Actions:**

Authorize the Chair of the Board to execute a First Amendment to the Revocable License Agreement with the State of California for use of the County's Sleepy Mountain Communications Site located at 4499 Stage Gulch Road, Sonoma, California, and making findings pursuant to Government Code Section 25526.6. The amendment will align the term of the license with the term of the corresponding ground lease and adjust the rent schedule to match the updated equipment list and the new terms of the license.

### **Executive Summary:**

**Background:** The County has operated the Sleepy Mountain communications facility pursuant to a lease agreement executed with Sandra D. Donnell, an individual, since 1990. The facility provides critical communication services to a variety of public agencies. Sleepy Mountain provides coverage for the Sonoma and Petaluma Valley areas of the County, and is an integral part of the County's overall communication network.

### **Issues:**

**Issue 1** - In 2008, the County executed a Revocable License Agreement with the State of California, which authorized CHP use of the Sleepy Mountain site, including installation of tower and vault equipment for CHP operations. The license agreement was executed in 2008 with an initial term of twenty (20) years, to commence upon completion of a proposed County tower construction project. The completion date of the tower project was delayed resulting in a need to revise and align the CHP license termination date and the termination date for the ground lease between the County and site property owner. The termination date of the County's ground lease with the site property owner is set as June 30, 2029. The proposed amendment will set an adjusted term for the license agreement with the State and align it with the site ground lease termination date.



Issue 2 - CHP did not install any equipment at the communication site upon execution of the license in 2008. CHP is now ready to proceed with equipment installation and has requested the County's approval of a modified list of equipment proposed for installation. County Real Estate staff obtained an updated fair market rent valuation for the revised CHP equipment list. The proposed monthly rent rate of \$3,700 represents an increase of \$1,287.50 (34%) over the first year rent rate of \$2,412.50 established in 2008 with the original agreement. The recommended \$3,700 rent reflects adjustments resulting from the need to increase the rack space due to an increase in racks from 3 to 5, the addition of two microwave dish antennas, and modifications to the models and mounting heights of tower equipment. The rate also takes into account changes in market conditions since the original license agreement was executed in 2008. An annual rent increase of 3% would apply for each year of the initial term, through June 30, 2029. If the County's ground lease with the site property owner is renewed at that time, the State's license would automatically renew for an additional 10 year period, with rent to be established following a fair market valuation and negotiation with State.

Issue 3 - The State prepaid the rent negotiated in 2008 to the County in the amount of \$435,000 upon execution of the original license agreement. However as previously noted the CHP did not install any equipment nor utilize any of the space negotiated in the agreement. The proposed amendment will reset the commencement date for the agreement and establish a new and increased rent payment schedule predicated upon the date that the Board approves the First Amendment. The State prepaid rent will be applied and will extend into the ninth year of CHP site use. Following exhaustion of the prepaid rent amount, State would continue to pay rent based upon the rate in effect at the time, with annual 3% increases thereafter. An updated rent prepayment schedule is attached to the proposed First Amendment as Exhibit E, and is on file with the Clerk.

**Recommendation :**

Staff is requesting and recommending your Board's approval of a First Amendment to the license agreement with the State of California for use of the Sleepy Mountain communication site in order to mitigate the issues summarized above. Board approval of the amendment will facilitate and grant authorization for installation of the revised tower mounted and vault equipment needed by the California Highway Patrol (CHP) for their emergency communications operations.

The First Amendment contains the following key provisions:

1. Establishes June 30, 2029 as the license agreement termination date for Initial Term.
2. Resets the Commencement Date for the license agreement and for payment of rent to the date the Board approves the amendment (anticipated to be December 3, 2013).
3. Authorizes State CHP to utilize 5 full rack spaces within County's vault and installation of 2 microwave dish antennas and 2 whip antennas on the tower
4. Revises the rent prepayment schedule to reflect monthly rent of \$3,700 with annual increases of 3% for the Initial Term, and application of \$435,000 in prepaid rent by State through the first 9 years
5. Modifies provisions for State participation in access road maintenance costs, based upon its proportionate share of the actual costs incurred by County
6. Minor revisions to clarify and facilitate contract administration, resulting from the above changes.

**General Plan Conformity and CEQA.** The proposed CHP use of the Sleepy Mountain facilities was anticipated with the tower construction project and was addressed under the General Plan determination of conformity for that project. The 2008 license agreement with CHP and the proposed amendment were determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15301(c) of the CEQA Guidelines since they constitute minor alterations of an existing publicly owned facility involving negligible expansion of use. The revisions proposed by the CHP do not change the status and application of exemption status.

**Procedural Authority.** Government Code Section 25526.6 stipulates that the County may grant a license for use of real property to the state, and any other county, city, district, or public agency upon a finding by the Board that the conveyance is in the public interest and that the interest conveyed will not substantially conflict or interfere with the use of the property by the County. Staff has included the required findings in the recitals of the First Amendment, and recommends the Board confirm these findings by granting the Chair authorization to execute the amendment. No public notice must be posted or published to grant the license amendment.

The site property owner, Sandra D. Donnell, has been notified of the proposed First Amendment to the Revocable License Agreement with the State, in accordance with provisions of the County’s ground lease.

**Prior Board Actions:**

6/24/08: Board resolution authorizing execution of a First Amendment to County Lease with Sandra D. Donnell; and concurrent Board execution of a Revocable License Agreement with State of California for use of the Sleepy Mountain communications site.

**Strategic Plan Alignment**      Goal 1: Safe, Healthy, and Caring Community

The County operates the Sleepy Mountain communications facility for Sheriff emergency dispatch and other public agency communication services, including CHP. The site serves the Sonoma and Petaluma Valley areas of the County and is critical to the County’s ability to provide a reliable communication network for emergency response. The proposed CHP antennas are essential to achieve adequate communications coverage for their operations throughout the County.

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        |                      | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

No new expenditure for rent or additional revenue impacts to FY 13-14 will result from execution of the license amendment.

**Staffing Impacts**

| Position Title<br>(Payroll Classification) | Monthly Salary<br>Range<br>(A – I Step) | Additions<br>(Number) | Deletions<br>(Number) |
|--|---|-----------------------|-----------------------|
|  |   |                       |                       |
|  |   |                       |                       |

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

None.

**Related Items “On File” with the Clerk of the Board:**

First Amendment to the Revocable License Agreement with the State of California at Sleepy Mountain (5 sets) and original executed 2008 Revocable License Agreement (1 copy)



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 15**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors of Sonoma County

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Department of Health Services

**Staff Name and Phone Number:**

Rita Scardaci, 565-7876

**Supervisorial District(s):**

Countywide

**Title:** Health Action Bylaws Amendment

### **Recommended Actions:**

Accept and approve amended Health Action Bylaws to include administrative revisions and the addition of two youth member seats to the Health Action Council.

### **Executive Summary:**

In 2007, Health Action established a framework for community engagement to make Sonoma County the healthiest county in California by 2020. In 2012, the Board approved an updated Action Plan proposed by the Health Action Council with the following priority areas: Health System Improvement, Economic Security, and Educational Attainment. The updated Action Plan rests on a set of principles that focus on prevention and the removal of root causes of complex social, economic, and environmental issues. This effort maximizes impact by focusing on upstream approaches, utilizes evidence-based intervention and evaluation, and prioritizes populations in greatest need to address health disparity.

The Health Action Council has revised its bylaws and requests approval from the Board. The amended bylaws include administrative revisions, the addition of two permanent youth member seats on the Health Action Council, and minor editorial corrections.

Currently, the membership of Health Action is limited to 45 members, selected for their demonstrated leadership and expertise, and is configured to balance the interests of the community's diverse stakeholder groups and to reflect the county's geographic and ethnic diversity.

The membership of Health Action includes broad representation of community leaders with diverse and balanced perspectives on health issues, including but not limited to:

- Health care providers representing hospitals, physicians, and community clinics
- Representatives of the local business community and employers
- Representatives of local non-profit organizations, faith community, and community at large
- Representatives of community and economic development organizations
- Representatives of organized labor

- Government officials, including a city council member from each of the nine cities in the County and County representatives from the Board of Supervisors, the Department of Health Services, the Human Services Department, and the Office of Education

On a regular basis, the Health Action Steering Committee, a subgroup of 9 Council members who meet monthly, reviews the governance structure of Health Action to ensure that policies and procedures are in place to help meet the 2020 vision. In September 2013, the Health Action Council recommended the following changes to the Health Action bylaws:

- 1) Article VIII - Conflict of Interest/Grievances, Section 1: Remove second paragraph. Form 700 (Statement of Economic Interests) is not required for Health Action membership. County Counsel recommended removal of this paragraph.
- 2) Article III - Membership, Section 1, Membership: Revise to increase maximum members to 47 from 45 and stipulate that the two additional members are for youth ages 16-24. These seats are designated "youth seats."
- 3) Article III - Membership, Section 4, Terms: Revise to stipulate term characteristics for Youth Members.

The addition of two youth membership seats on Health Action brings the membership limit up to 47. Youth involvement in the Health Action Council is valuable for multiple reasons including:

- Furthering quality leadership, education, and career development opportunities for participating youth, which is linked to long-term success
- Providing a civic engagement opportunity for young people to have an authentic voice and impact in the community
- Emphasizing the Health Action Council's commitment to a balanced representation of diverse stakeholder groups' interests in our community
- Creating a county-wide model for other governing bodies to embrace young people's participation on councils that is enhanced by a strong mentorship component, participation in relevant activities based on their interests, and supported by community-based organizations
- Adding critical input from youth, a target age group for Health Action's Cradle to Career and Upstream Investments efforts, allowing better integration and delivery of services and alignment of policy decisions aimed at improving outcomes for youth across the County

The application process, recruitment strategies, and planning for the long-term success of youth involvement on the Council is being developed with youth and advisors from Tomorrow's Leaders Today, Project TRUE, Voices, Chop's Teen Club, and Social Advocates for Youth. Youth members will serve an initial one-year term, with the possibility to extend for one additional year. Youth members will also be assigned a mentor, a Health Action member who can provide guidance and advice on the Council. Finally, youth members will be encouraged to participate in one of the subcommittees or workgroups of Health Action based on their interests so that they may gain more experience during their term. The Health Action Council voted unanimously to approve the proposed bylaws changes. These changes are being submitted to the Board of Supervisors for review and approval.

**Prior Board Actions:**

On March 15, 2011 the Board approved the Health Action bylaws, Endorsement and Advocacy Guidelines, and 2020 Vision Action Plan.

|   |   |                              |                              |
|---|---|------------------------------|------------------------------|
| <b>Strategic Plan Alignment</b> Goal 1: Safe, Healthy, and Caring Community   |   |                              |                              |
| The amendment to the Health Action bylaws supports the Sonoma County Board of Supervisors' goal of becoming "the healthiest county in California by the year 2020" by providing an opportunity for youth to contribute to Sonoma County Health Action Chapters. |   |                              |                              |
| <b>Fiscal Summary - FY 13-14</b>  |   |                              |                              |
| <b>Expenditures</b>   |   | <b>Funding Source(s)</b>     |                              |
| Budgeted Amount   | \$ 0  | County General Fund          | \$ 0                         |
| Add Appropriations Req'd.   | \$ 0  | State/Federal                | \$ 0                         |
|   | \$  | Fees/Other                   | \$ 0                         |
|   | \$  | Use of Fund Balance          | \$ 0                         |
|   | \$  | Contingencies                | \$ 0                         |
|   | \$  |                              | \$                           |
| <b>Total Expenditure</b>  | <b>\$ 0</b>                                 | <b>Total Sources</b>         | <b>\$ 0</b>                  |
| <b>Narrative Explanation of Fiscal Impacts (If Required):</b>   |   |                              |                              |
| There are no fiscal impacts associated with this item.  |   |                              |                              |
| <b>Staffing Impacts</b>   |   |                              |                              |
| <b>Position Title</b><br>(Payroll Classification)   | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|   |   |                              |                              |
|   |   |                              |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b>   |   |                              |                              |
| N/A   |   |                              |                              |
| <b>Attachments:</b>   |   |                              |                              |
| Amended bylaws (redline and final)  |   |                              |                              |
| <b>Related Items "On File" with the Clerk of the Board:</b>   |   |                              |                              |
| Amended bylaws (final - for signature)  |   |                              |                              |

## HEALTH ACTION BYLAWS

Approved by the Sonoma County Board of Supervisors March 15, 2011

Amended and approved by the Sonoma County Board of Supervisors December 3, 2013

### ARTICLE I - NAME

The name of this Commission shall be Health Action.

### ARTICLE II - AUTHORITY AND PURPOSE

Section 1. In order to improve community health and the local health care system, Health Action will work collaboratively with community and make recommendations for action with the Department of Health Services to:

- a. Engage a broad spectrum of stakeholders in a community dialogue about community health issues and enrich the collective understanding of local health issues and solutions.
- b. Create a shared vision for community health improvement that is based on the multiple determinants of health, such as individual behaviors, cultural beliefs and practices, and environmental and socio-economic factors.
- c. Develop and implement initiatives and policies to promote and protect community health and the local health care system.

Section 2. The duties of Health Action shall include:

- a. Agree upon criteria to identify priority health issues.
- b. Study the factors and community conditions that contribute to these issues.
- c. Identify strategic initiatives and opportunities to effectively address these factors and conditions.
- d. Create partnerships and develop resources to implement these strategic community health initiatives.
- e. Use diverse communication channels and strategies to promote Health Action's goals and action agenda and to engage the community in identified health improvement initiatives.
- f. Monitor and evaluate progress on community health goals and objectives.
- g. Endorse and support community health projects, programs or initiatives, consistent with Health Action's Endorsement and Advocacy Guidelines.
- h. Advocate for local, state, or national policies, consistent with Health Action's Endorsement and Advocacy Guidelines.

All endorsements, advocacy, policies and actions shall be consistent with Health Action's Endorsement and Advocacy Guidelines and 2020 Vision Action Plan as approved by the Board of Supervisors and shall be conducted in compliance with all federal, state and local laws, including restrictions on using public resources to advocate for ballot initiatives, and conflict of interest laws, including the Political Reform Act.

## ARTICLE III - MEMBERSHIP

Section 1. Membership. The membership of Health Action shall be limited to a maximum of 45 members. Two membership seats will be dedicated to youth ages 16-24, based on interest in community health issues (hereinafter "Youth member" or "Youth membership"). Membership shall include broad representation of community leaders with diverse and balanced perspectives on health issues, including but not limited to:

- a. Health care providers representing hospitals, physicians, and community clinics.
- b. Representatives of local business community and employers.
- c. Representatives of local non-profit organizations, faith community, and community at large.
- d. Representatives of community and economic development organizations.
- e. Representatives of organized labor.
- f. Government officials, including a city council member from each of the nine cities in the county and county representatives from the Board of Supervisors, Health Services (including Public Health Officer), Human Services, Economic Development Board, and Office of Education.

Section 2. Appointment Authority. Health Action Steering Committee shall review all qualified applicants and submit selected applicants to the Director of the Department of Health Services for appointment. Appointments shall be posted in accordance with the Maddy Act (Government Code section 54970).

Section 43. Terms. ~~A membership term is a two-year period. Health Action members~~

- a. Member. Except for Youth Member's as provided below, Health Action membership terms are for a two-year period. Members may serve a maximum of 5 terms. Members may be reappointed -Reappointment is up to the maximum number of terms at the option of the Director of Health Services. Members may serve a maximum of 5 terms. The r
- b. Youth Member. Youth membership term is for a one-year period. Youth members may serve a maximum of two (2) terms. Upon appointment, each Youth member will be assigned a Health Action Council member as a mentor. Each Youth member is expected to participate on one of the Health Action subcommittees or other workgroups tied to priority areas. Reappointment is at the option of the Health Action Council.
- a.c. Ex Officio Members. Representatives from the Board of Supervisors, the Director of Health Services, the Public Health Officer, a representative from the Department of Human Services, a representative from the Economic Development Board, a representative from the Office of Education, and representatives from city councils shall be *ex officio* members whose terms do not expire. *Ex officio* members have the same rights, privileges and responsibilities as other members.

Section 54. Initial terms. Except for Youth members which serve a one-year term, Initially, half of the current members shall serve a one-year term and half of the current members shall serve a two-year term. Thereafter, each members' term shall be two years. The Steering Committee shall determine which members shall serve the initial one-year term.



Section ~~65~~. Attendance. Members are expected to attend all meetings of Health Action. Members who have three consecutive or four cumulative absences from Health Action meetings in a twelve month period shall be deemed to have resigned from Health Action.

Section ~~76~~. Health Action Vacancies. A vacancy shall exist when a member submits a written resignation to the Director of Health Services or has been deemed to resign as set forth in Section ~~56~~. When a vacancy occurs on Health Action the Health Action Steering Committee will review applications to fill vacancies consistent with membership criteria and submit recommendations to the Director of Health Services for selection and appointment.

#### ARTICLE IV- MEETINGS

Section 1. Brown Act. All meetings of Health Action and its subcommittees shall be conducted in accordance with the Brown Act (Government Code section 54950 et seq.).

Section 2. Regular Meetings. Regular meetings of Health Action shall be held quarterly (typically: March, June, September, December). One week prior to such regular meeting, staff shall send a copy of the agenda of the next regular meeting to all members of Health Action. The Chairs may cancel any regular meeting by giving written notice of at least seventy-two (72) hours before the regularly scheduled meeting time. This requirement of notification prior to cancellation shall not be waived.

Section 3. Special Meetings. Special meetings may be called by the Chairs by giving notice thereof by mail, fax, e-mail, or phone to all members of Health Action. Such notice shall specify the time and place of such meeting and the agenda thereof and shall be delivered at least seventy-two (72) hours before the time of such meeting. Only items on the agenda of the special meeting may be considered at said special meeting.

Section 4. Quorum. A quorum of Health Action must be present at any regular or special meeting in order for a decision to be made on any matter. A quorum is defined as 50% plus one of the active membership.

Section 5. Voting. While Health Action will strive for consensus, every official action taken by Health Action shall be adopted by a simple majority vote.

Section 6. Abstention. When any member abstains from participation in any matter before Health Action because of a conflict of interest, that member shall not be counted as present for purposes of determining whether or not there is a quorum.

Section 7. Staff. Staff support for Health Action shall be provided by the Department of Health Services.

Section 8. Notice. Health Action meetings and Steering Committee meetings will be open and public, with notice of the time and place given to the public and Health Action members at least seventy-two (72) hours before the time of such meeting.

Section 9. Public Comment. At each Health Action and Steering Committee meeting, members of the public will be given the opportunity to directly address the items on the agenda before

being voted on, and on matters within the jurisdiction of the Committees. As other subcommittees are formed by Health Action, staff will consult with County Counsel's Office to determine whether the new subcommittees also must be open and public.

## ARTICLE V - OFFICERS

Section 1. Officers of Health Action shall be 2 Co-Chairs. One Co-Chair shall be the Director of the Department of Health Services. The other Co-Chair shall be a member of Health Action nominated and elected by Health Action. Nominations shall be made by a Nominating Committee appointed by the Steering Committee. Elections will be held at a regular Health Action meeting. The elected Co-Chair will serve for two calendar years, and will remain in office until replaced.

Section 2. The Co-Chairs shall be the executive officers of Health Action and shall have the general powers and duties invested in the office of Chair, and shall have the other powers and duties as may be determined by Health Action. The Chairs shall preside at all meetings of Health Action.

## ARTICLE VI - COMMITTEES AND SUBCOMMITTEES

Section 1. Health Action shall establish a standing Steering Committee comprised of a maximum of 9 members of Health Action, who have played leadership roles on leading committees and/or represent the diverse membership of Health Action, including Health Action co-chairs. Members will serve for a two-year term. Members may be re-appointed for one additional two-year term.

The Steering Committee will fill vacancies as needed. As needed, Health Action members will submit nominees for Steering Committee membership to Steering Committee. Steering Committee will review nominees and present a slate of candidates for review by Health Action. Health Action members will vote on slate of Steering Committee members at a regular meeting.

The duties of the Steering Committee shall include but not be limited to the following:

- a. Develop agendas for Health Action meetings to keep work focused on outcomes.
- b. Invite members of the public to apply for a Health Action membership application as needed to achieve desired representation using Health Action membership guidelines specified in Article III – Membership.
- c. Provide input and guidance on Health Action communications and community engagement efforts.
- d. Provide general input and guidance on Health Action financing strategy.
- e. Make decisions regarding Health Action endorsements, consistent with Health Action's authority, purpose, and in accordance with Health Action's Endorsement and Advocacy Guidelines.
- f. Make recommendations to Health Action regarding advocacy opportunities, consistent with Health Action's authority, purpose, and in accordance with Health Action's Endorsement and Advocacy Guidelines.
- g. Provide input and guidance to Health Action implementation activities and workgroups.
- h. Make decisions on behalf of Health Action during the time period between Health Action's regularly scheduled meetings when it is impractical for Health Action to meet.

The Steering Committee shall not make decisions related to:

- a. Amending or revising Health Action's bylaws.
- b. Amending or revising Health Action's identified goals or Priorities for Action.
- c. Advocacy for local, state or national policies.

Section 2. Health Action and/or the Steering Committee may create and dissolve committees as it deems advisable to carry out duties. Committees may be ad hoc or standing committees. All committees shall comply with the Brown Act.

#### ARTICLE VII - CONTRACTS

Health Action and/or members thereof shall not have the power or authority to bind the County of Sonoma by any contract or agreement.

#### ARTICLE VIII - CONFLICT OF INTEREST/GRIEVANCES

Section 1. Conflict of Interest. Health Action members will not involve themselves in official Health Action activities that could materially benefit them personally, their business interests, or the interests of organizations that they represent. In a conflict of interest the member will abstain from voting, and the abstention will be recorded in the minutes.

~~Members and staff will comply with State of California laws regarding conflict of interest for publicly appointed bodies, including the Political Reform Act. Members and staff shall file annual Statement of Economic Interests (State Form 700). These statements will be kept on file by the Department of Health Services, and will be available for public inspection. Health Action will implement a written procedure for resolving conflicts of interest.~~

#### ARTICLE IX - AMENDMENTS

A recommendation to the Board of Supervisors to amend these bylaws may be made at any regular meeting of Health Action by a majority vote of the appointed members of Health Action, provided that copies of the proposed amendments are sent to all members of Health Action at least ten days prior to the meeting at which such action is taken. The amendment will not be effective until and unless it is approved by majority vote of the Board of Supervisors.

#### ARTICLE X – MEETING NOTES

There shall be meeting notes of the proceedings of Health Action. DHS staff shall be responsible for meeting notes and will be responsible for the sending of minutes and agendas to all Health Action members and others who are to receive them. Copies of meeting notes will be maintained by the Department of Health Services. All public documents may be accessed via the Internet. Records of Health Action shall be retained at the Department of Health Services and shall be available for public inspection and copying as required by the Public Records Act (Government Code section 6250 et seq.).

ARTICLE XI - PARLIAMENTARY AUTHORITY

Except as otherwise provided by law, these bylaws, or rules adopted by the Commission, Robert's Rules of Order shall be the parliamentary authority of the Health Action.

ARTICLE XII – LEGAL COMPLIANCE

Health Action shall comply with the legal requirements of the County of Sonoma, the State of California, and with Federal funding sources. Nothing in these bylaws shall be interpreted to be inconsistent with the ordinances of the Sonoma County Board of Supervisors.

ARTICLE XIII - EXECUTIVE DATE

These bylaws and future amendments thereto, unless otherwise specified, shall become effective upon adoption by Health Action and the approval of the Sonoma County Board of Supervisors.

These bylaws were duly adopted on September 6, 2013.

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Rita Scardaci  
Director, ~~of the~~ Sonoma County Department of Health Services

Approved by the Sonoma County Board of Supervisors on December 3, 2013.

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David Rabbitt,  
Chair, Sonoma County Board of Supervisors

## HEALTH ACTION BYLAWS

Approved by the Sonoma County Board of Supervisors March 15, 2011  
Amended and approved by the Sonoma County Board of Supervisors December 3, 2013

### ARTICLE I - NAME

The name of this Commission shall be Health Action.

### ARTICLE II - AUTHORITY AND PURPOSE

Section 1. In order to improve community health and the local health care system, Health Action will work collaboratively with community and make recommendations for action with the Department of Health Services to:

- a. Engage a broad spectrum of stakeholders in a community dialogue about community health issues and enrich the collective understanding of local health issues and solutions.
- b. Create a shared vision for community health improvement that is based on the multiple determinants of health, such as individual behaviors, cultural beliefs and practices, and environmental and socio-economic factors.
- c. Develop and implement initiatives and policies to promote and protect community health and the local health care system.

Section 2. The duties of Health Action shall include:

- a. Agree upon criteria to identify priority health issues.
- b. Study the factors and community conditions that contribute to these issues.
- c. Identify strategic initiatives and opportunities to effectively address these factors and conditions.
- d. Create partnerships and develop resources to implement these strategic community health initiatives.
- e. Use diverse communication channels and strategies to promote Health Action's goals and action agenda and to engage the community in identified health improvement initiatives.
- f. Monitor and evaluate progress on community health goals and objectives.
- g. Endorse and support community health projects, programs or initiatives, consistent with Health Action's Endorsement and Advocacy Guidelines.
- h. Advocate for local, state, or national policies, consistent with Health Action's Endorsement and Advocacy Guidelines.

All endorsements, advocacy, policies and actions shall be consistent with Health Action's Endorsement and Advocacy Guidelines and 2020 Vision Action Plan as approved by the Board of Supervisors and shall be conducted in compliance with all federal, state and local laws, including restrictions on using public resources to advocate for ballot initiatives, and conflict of interest laws, including the Political Reform Act.

## ARTICLE III - MEMBERSHIP

Section 1. Membership. The membership of Health Action shall be limited to a maximum of 47 members. Two membership seats will be dedicated to youth ages 16-24, based on interest in community health issues (hereinafter “Youth member” or “Youth membership”). Membership shall include broad representation of community leaders with diverse and balanced perspectives on health issues, including but not limited to:

- a. Health care providers representing hospitals, physicians, and community clinics.
- b. Representatives of local business community and employers.
- c. Representatives of local non-profit organizations, faith community, and community at large.
- d. Representatives of community and economic development organizations.
- e. Representatives of organized labor.
- f. Government officials, including a city council member from each of the nine cities in the county and county representatives from the Board of Supervisors, Health Services (including Public Health Officer), Human Services, Economic Development Board, and Office of Education.

Section 2. Appointment Authority. Health Action Steering Committee shall review all qualified applicants and submit selected applicants to the Director of the Department of Health Services for appointment. Appointments shall be posted in accordance with the Maddy Act (Government Code section 54970).

Section 3. Terms.

- a. Member. Except for Youth Member’s as provided below, Health Action membership terms are for a two-year period. Members may serve a maximum of 5 terms. Members may be reappointed up to the maximum number of terms at the option of the Director of Health Services.
- b. Youth Member. Youth membership term is for a one-year period. Youth members may serve a maximum of two (2) terms. Upon appointment, each Youth member will be assigned a Health Action Council member as a mentor. Each Youth member is expected to participate on one of the Health Action subcommittees or other workgroups tied to priority areas. Reappointment is at the option of the Health Action Council.
- c. Ex Officio Members. Representatives from the Board of Supervisors, the Director of Health Services, the Public Health Officer, a representative from the Department of Human Services, a representative from the Economic Development Board, a representative from the Office of Education, and representatives from city councils shall be *ex officio* members whose terms do not expire. *Ex officio* members have the same rights, privileges and responsibilities as other members.

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Rita Scardaci  
Director, Sonoma County Department of Health Services

Approved by the Sonoma County Board of Supervisors on December 3, 2013.

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David Rabbitt  
Chair, Sonoma County Board of Supervisors



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 16**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors of Sonoma County

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Department of Health Services

**Staff Name and Phone Number:**

Rita Scardaci, 565-7876

**Supervisorial District(s):**

Countywide

**Title:** Medi-Cal Administrative Activities Program Host Entity and Community-Based Organization Memorandum of Understanding Authorization

### **Recommended Actions:**

Authorize the Director of Health Services to execute an agreement with the County of Marin for Medi-Cal Administrative Activities Host Entity services to coordinate the statewide participation agreement with the California Department of Health Care Services for the period July 1, 2013 through June 30, 2015, in an amount not to exceed \$60,000.

Authorize the Director of Health Services to execute Memorandums of Understanding with community-based organizations that perform Medi-Cal Administrative Activities, in order to facilitate Federal Financial Participation reimbursement.

### **Executive Summary:**

This item requests approval of an agreement with the County of Marin for Medi-Cal Administrative Activities (MAA) Host Entity services to coordinate the statewide participation agreement with the California Department of Health Care Services for the period July 1, 2013 through June 30, 2015, in an amount not to exceed \$60,000. In addition, this item requests approval to execute Memorandums of Understanding with community-based organizations that perform MAA, in order to facilitate Federal Financial Participation reimbursement.

Since 1995 the Board has approved Sonoma County's participation in the state's MAA program. The MAA program offers an opportunity for counties to obtain federal reimbursement for the cost of administering the Medi-Cal program.

Pursuant to an agreement with the California Department of Health Care Services (DHCS), the County receives federal reimbursement for MAA. The County's participation in MAA improves the availability and accessibility of Medi-Cal services to eligible and potentially eligible individuals and their families. In May 2013 the Board approved an agreement with DHCS through June 30, 2018.

**Host Agreement**

In California, the Medi-Cal Administrative Activities (MAA) program is coordinated through a Local Governmental Agency Consortium of participating counties known as Local Governmental Agencies. A "Host Entity," chosen by the consortium to represent its membership, contracts with the state of California and other organizations to ensure proper administration of the program. DHCS contracts with the Host Entity, currently the County of Marin, for administrative services associated with the MAA program. The Host Entity processes all program administration payments and reimbursements and provides technical assistance to participating counties. Each participating county must contract with the Host Entity and pay an annual participation fee based on the amount of its recent MAA reimbursements. Sonoma County's estimated participation fee is \$30,000 per fiscal year for FY 13-14 and FY 14-15.

**Memorandum of Understanding (MOU) Template for Community-Based Organization (CBO) MAA Reimbursement**

The MAA program agreement with DHCS permits the County, as the representative Local Government Agency (LGA), to enter into agreements with qualified CBOs that provide MAA. The reimbursement process has historically been a part of individual service contracts with CBOs. However, participation in MAA also occurs independent of service contracts with the County. Therefore, it was determined that a separate, standalone MOU is more appropriate. The MOU sets forth the requirements for conducting and claiming for reimbursement of costs associated with the performance of MAA. MOU term dates and amounts will be negotiated individually with CBOs as appropriate. The MOU permits the County to deduct the actual cost of preparing the invoices for submission to the state and withhold 10 percent from each invoice as an audit reserve. The audit reserve is released to the participating CBO after 5 years if there are no state audit findings.

**Prior Board Actions:**

On May 21, 2013 the Board authorized execution of a MAA Agreement with DHCS for the period 7/1/2013 through 6/30/2018.  
On January 26, 2010 the Board authorized execution of a contract with the County of Marin as the MAA Host Entity for FY09-10 and FY10-11 and then again on January 24, 2012 for FY11-12 and FY12-13.

**Strategic Plan Alignment**      Goal 1: Safe, Healthy, and Caring Community

Authorization of the Host Entity Contract and CBO MOU will allow the County to participate in the statewide MAA program and effectively and efficiently administer the Medi-Cal program and improve the availability and accessibility of Medi-Cal services to eligible and potentially eligible individuals and their families.

| <b>Fiscal Summary - FY 13-14</b>   |   |                              |                              |
|--|---|------------------------------|------------------------------|
| <b>Expenditures</b>  |   | <b>Funding Source(s)</b>     |                              |
| Budgeted Amount  | \$ 16,000                                   | County General Fund          | \$ 0                         |
| Add Appropriations Req'd.  | \$ 14,000                                   | State/Federal                | \$ 30,000                    |
|  | \$  | Fees/Other                   | \$ 0                         |
|  | \$  | Use of Fund Balance          | \$ 0                         |
|  | \$  | Contingencies                | \$ 0                         |
|  | \$  |                              | \$                           |
| <b>Total Expenditure</b>   | <b>\$ 30,000</b>                            | <b>Total Sources</b>         | <b>\$ 30,000</b>             |
| <b>Narrative Explanation of Fiscal Impacts (If Required):</b>  |   |                              |                              |
| Funding of \$16,000 for the agreement with the County of Marin is included in the FY 13-14 budget. The remaining \$14,000 will come from MAA reimbursement funding and will be added to the FY 13-14 budget through the consolidated budget adjustments process. Funding of \$30,000 for the agreement with the County of Marin in FY 14-15 will be included in the FY 14-15 budget. |   |                              |                              |
| <b>Staffing Impacts</b>  |   |                              |                              |
| <b>Position Title</b><br>(Payroll Classification)  | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|  |   |                              |                              |
|  |   |                              |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b>  |   |                              |                              |
| N/A  |   |                              |                              |
| <b>Attachments:</b>  |   |                              |                              |
| Agreement with County of Marin, MOU template   |   |                              |                              |
| <b>Related Items "On File" with the Clerk of the Board:</b>  |   |                              |                              |
| None   |   |                              |                              |

**AGREEMENT  
Between the  
COUNTY OF MARIN  
and  
COUNTY OF SONOMA**

THIS AGREEMENT is made and entered into by and between the COUNTY OF SONOMA, a political subdivision of the State of California, hereinafter referred to as "LOCAL GOVERNMENTAL AGENCY (LGA)" and the COUNTY OF MARIN, hereinafter referred to as "HOST ENTITY."

WITNESSETH:

WHEREAS, LGA desires to extend health services to local residents, through the provision of Medi-Cal Administrative Activities (MAA) and/or Targeted Case Management (TCM), by contracting with HOST ENTITY; and

WHEREAS, LGA is prepared to provide health services to its local residents under the terms and conditions set forth in this AGREEMENT and Exhibit A which is part of this AGREEMENT; and

WHEREAS, HOST ENTITY was selected by LGA Consortium to collect and disburse LGA participation fees; and

WHEREAS, the Marin County Board of Supervisors has authorized entering into this Agreement as HOST ENTITY; and

WHEREAS, the authorizing entity of LGA has authorized entering into this AGREEMENT;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

- I. HOST ENTITY, Responsibilities: HOST ENTITY shall perform duties listed in attached Exhibit A.
- II. LGA Responsibilities: LGA shall perform duties listed in attached Exhibit A.
- III. HOST ENTITY is the "host entity" only for the purposes of collecting and disbursing funds for the Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM) trust fund, as described in the terms of this Agreement. In return for this host entity responsibility, HOST ENTITY will receive a total annual compensation in accordance with the Consortium's Bylaws, to be paid from the MAA/TCM trust fund.
- IV. With the exception of Marin County claims, HOST ENTITY will not be responsible for producing claims, altering data or providing other materials related to LGA, as required by the State, to process LGA MAA or TCM claims. Additionally, HOST ENTITY will not be financially responsible for paying any participation fee or other costs for any LGA which has failed to pay the total amount of its fee in a timely manner.
- V. With the exception of audit exceptions arising from Marin County claims, HOST ENTITY will not be financially responsible for any audit exceptions. HOST ENTITY will comply with all applicable laws and regulations governing the use of MAA AND TCM trust funds and public funds, generally, in the collection and disbursement of funds for the MAA and TCM trust fund pursuant to the terms of this Agreement.

- VI. Insurance and Indemnification: Each of the parties of this Agreement is an entity which is self-insured and/or carries liability insurance. Each party will provide liability coverage for its negligent or intentionally wrongful acts and/or omissions in the performance of its duties under this Agreement. The parties hereto shall indemnify, defend and hold one another, their officers, agents and employees harmless from and against any and all claims, losses, liabilities, damages, demands and actions (all collectively referred to as "liability" herein) arising out of each parties' respective performance of this Agreement, but only in proportion to and to the extent such liabilities are caused by or result from the negligent or intentionally wrongful act or omission of the indemnifying party, its officers, agents or employees.
- VII. Termination: Either LGA or HOST ENTITY may terminate this AGREEMENT upon thirty (30) days written notice.
- VIII. Effective Date of AGREEMENT: This AGREEMENT will be effective upon Execution by HOST ENTITY and LGA for the period beginning July 1, 2013 through June 30, 2015
- IX. Extent of Contractual Documents: This AGREEMENT shall consist of this basic document and Exhibit A - "Agreement Concerning Medi-Cal Administrative Activities/Targeted Case Management," attached hereto and incorporated into this AGREEMENT.

"HOST ENTITY"  
Duly Authorized

COUNTY OF MARIN

By \_\_\_\_\_  
Larry Meredith, PhD, Director  
Health and Human Services  
County of Marin

"LGA"  
Duly Authorized

COUNTY OF SONOMA

By \_\_\_\_\_  
Rita Scardaci, Director  
Department of Health Services  
3313 Chanate Road  
Santa Rosa, CA 95404

APPROVED AS TO FORM - LGA

By \_\_\_\_\_  
County Counsel

## EXHIBIT A

### AGREEMENT CONCERNING MEDI-CAL ADMINISTRATIVE ACTIVITIES/TARGETED CASE MANAGEMENT

#### HOST ENTITY will:

1. Prepare and transmit Host Entity/LGA AGREEMENT and invoice to the LGA in the amount identified in the sliding participation fee scale approved by the LGA Consortium, due and payable no later than March 31, 2014 for the fiscal year 2013/2014 and March 31, 2015 for fiscal year 2014/2015.
2. Maintain Medi-Cal Administrative Activities (MAA) Targeted Case Management (TCM) Trust Fund solely to hold funds received from LGA participation fees.
3. Enter into a separate agreement with the State Department of Health Services to coordinate administration of the MAA/TCM programs for the LGA.
4. Pay the California State Department of Health Services (DHS) for FY 2013/2014 and FY 2014/2015 MAA/TCM administrative costs as agreed to by the LGA, within sixty (60) days of Executive Committee Approval of the State's invoices for reimbursement of documented costs incurred by DHS.
5. Pay the LGA MAA/TCM consultant of FY 2013/2014 and 2014/2015 costs as agreed to by LGA, within twenty-one (21) days of Executive Committee approval of invoices submitted by the LGA MAA/TCM Consultant.

#### LGA will:

1. Pay HOST ENTITY Fee by March 31, 2014 for FY 2013/2014, upon receipt of invoice for MAA/TCM participation fee.
2. Pay HOST ENTITY Fee by March 31, 2015 for FY 2014/2015, upon receipt of invoice for MAA/TCM participation fee.
3. Be financially responsible for all MAA/TCM claims of LGA, including any audit exceptions.
4. Be responsible for producing claims, altering data or providing other materials necessary to process LGA MAA or TCM claim.



**MEMORANDUM OF UNDERSTANDING**  
**Between**  
**County of Sonoma Department of Health Services**  
**and**  
**<full name of agency>**

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This Memorandum of Understanding (hereinafter "MOU"), dated as of \_\_\_\_\_ (hereinafter "effective date"), is by and between the County of Sonoma, a political subdivision of the State of California (hereinafter "County"), and <full name of agency>, a <type of agency> (hereinafter "<org small title>").

The Purpose of this MOU is to delineate the conditions under which the County will submit invoices for the reimbursement of Medi-Cal Administrative Activities (hereinafter "MAA) performed by <org small title> and in accordance with current MAA Provider Manual, California Department of Health Care Services Policy and Procedure Letters (PPLs) and any subsequent amendments henceforth.

**WHEREAS**, as authorized by Sonoma Board of Supervisors on May 21, 2013, the County Department of Health Services Director executed an agreement with the State of California ("State") for the County to assist the State in the proper and efficient administration of the Medi-Cal Program by providing MAA as specified in the State agreement; and

**WHEREAS**, the State agreement permits the County, as the representative Local Government Agency (LGA), to subcontract with qualified entities to provide MAA; and

**WHEREAS**, <org small title> states that it is qualified to provide MAA; and

**NOW, THEREFORE**, in consideration of the mutual promises set forth below, County and <org small title> agree as follows:

**I. County Roles and Responsibilities**

Sonoma County Department of Health Services will:

- a. Review, approve and submit <org small title>'s claiming plan and any subsequent amendments for State approval.
- b. Review each of <org small title>'s invoice to determine that <org small title> has reported sufficient Certified Public Expenditure (CPE) funds to support the MAA invoice.
- c. Submit <org small title>' invoice to the State for reimbursement.
- d. Release funds to <org small title> upon receipt from State in accordance with Section III of this MOU.
- e. Provide administrative oversight and consultation, including, but not limited to: claiming plan development, invoice preparation in consultation with <org small title>, advocacy with State and federal representatives on behalf of <org small title>, technical assistance, training on time survey and coding requirements and quality assurance/quality improvement monitoring, including site reviews.

**II. <org small title> Roles and Responsibilities**

<full name of agency> will:

- a. Carryout activities that assist in the proper and efficient administration of the Medi-Cal Program by improving the availability and accessibility of Medi-Cal Services to Medi-Cal eligible and potentially eligible individuals and their families.

- b. Provide the County with a MAA claiming plan that compiles DHCS requirements, fully describing the MAA Unit staff and allowable MAA activities that will be conducted by staff.
- c. Inform the County and provide all DHCS required documentation of any changes in staff and/or activities that may require an amendment to the MAA claiming plan.
- d. Provide, on an annual basis, contracts from public sources that demonstrate that the contract funds are CPE and can be used for MAA in accordance with 42 C.F.R. § 433.51.
- e. Accurately record all staff time coded to MAA.
- f. Ensure that all MAA costs are properly allocated and do not duplicate reimbursement sought under any other state or federal health care program.
- g. Keep and maintain full and complete documentation and accounting records concerning all services performed that are reimbursable under this MOU and make such documents and records available to County for inspection at any reasonable time. Contractor shall maintain such records for a period of five (5) years following the submittal of invoice. If an audit is in progress, all records relevant to the audit shall be retained until the completion of the audit or the final resolution of all audit exceptions, deferrals and/or disallowance.

### **III. Reimbursement:**

The reimbursement of Federal Financial Participation (FFP) funds for MAA is provided through Standard Agreement 13-90014 for Medi-Cal Administrative Activities (MAA) from the California Department of Health Care Services.

- a. The requirements of the grant apply to the provision of services under this MOU. The following documents and any subsequent updates are not attached, but are incorporated herein and made a part hereof by this reference. Contractors are required to fully comply with the directives in each document incorporated by reference herein and each update thereto. These documents may be updated periodically by SHCS, as required by program directives or changes in law or policy.
  - i. Health Administrative Manual Section 6-1000.\*
  - ii. Local Government Agency (LGA) MAA Provider Manual.\*
  - iii. Policy and Procedure Letters.\*
  - iv. MAA Time Survey for Employees Performing MAA and/or TCM.\*
  - v. Medi-Cal Administrative Activities Summary Invoice.\*
  - vi. Medi-Cal Administrative Activities Detailed Invoice.\*

\*View at [www.dhcs.ca.gov/provgovpart/Pages/CMAA.aspx](http://www.dhcs.ca.gov/provgovpart/Pages/CMAA.aspx)

- b. Within ninety (90) days of the completion of each quarter, or as otherwise requested by the MAA/TCM Program Coordinator (but not more than once a quarter), <org small title> shall submit a quarterly invoice to the County in the current format required by the State and in accordance with all applicable federal, State and County regulations and directives.
- c. The County shall deduct and withhold as an “audit reserve,” ten percent (10%) from all revenue received by the County as a result of <org small title>’s invoice for reimbursement. The County will hold this audit reserve until five (5) years after the end of a quarter in which the expenditures were incurred or, if an audit pertaining to this agreement is in progress, until the completion of the audit and the final resolution of all audit exceptions, deferrals and/or disallowance is complete, whichever is later.

Upon completion of an audit period, and notification by CMS that all pending audits or investigations are completed, the County shall promptly remit to <org small title>, the

withheld audit reserve funds for the corresponding audit period, less any amount required to offset audit exceptions or disallowances.

- d. <org small title> is responsible to repay the County for the full amount of any County repayment to the State on account of audit findings arising from <org small title>'s invoices. Should there be audit findings by County, State or CMS that a reimbursement made to <org small title> was erroneous, the County may use available audit reserve funds and/or subsequent reimbursements to offset this amount.
- e. The County is not responsible for the reimbursement of incurred costs by <org small title> for performance of MAA if the State fails to pay such claims.

**IV. Participation Fee**

The County shall deduct the cost for the staff time (salaries, benefits, etc.) needed to administer the MAA claiming process and any other costs related to that process from the revenue received by the County as a result of <org small title>'s invoice.

**V. Method and Place of Giving Notice, Submitting Bills and Making Payments.**

All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, bills, and payments shall be addressed as follows:

|                               |   |
|-------------------------------|---|
| COUNTY:<br>(Bills & Payments) | COUNTY OF SONOMA<br>Department of Health Services, Accounting/MAA<br>Sandy McAdler, Accounting Department Manager<br>3324 Chanate Road<br>Santa Rosa, CA 95404-1795 |
|-------------------------------|---|

|                              |   |
|------------------------------|---|
| COUNTY:<br>(Program Contact) | COUNTY OF SONOMA<br>Department of Health Services, Administration<br>Jennifer Symons, MAA/TCM Coordinator<br>3313 Chanate Road<br>Santa Rosa, CA 95404-1795 |
|------------------------------|---|

|                    |                                   |
|--------------------|-----------------------------------|
| <ORG SMALL TITLE>: | NAME<br>ORG<br>ADDRESS<br>ADDRESS |
|--------------------|-----------------------------------|

**VI. Term of MOU**

- a. The term of this MOU shall be from **MONTH, DATE, YEAR**, through **MONTH, DATE, YEAR**.
- b. Either party may terminate this MOU for convenience and without cause upon 30 days' advance written notice. In the event of such termination by the County, <org small title> shall receive compensation for any services performed through the effective date of termination, unless a shorter notice period is agreed upon.

**VII. Federal Funding**

Title 31 – Money and Finance, Subtitle V – General assistance Administration, Chapter 75 Requirement for Single Audits, Section 7502 requires each pass-through entity provide the subrecipient program names and identifying numbers from which such assistance is derived.

- a. **Payment.** All or part of this Agreement will be paid with Federal awards. As a pass-through entity, the County is required to provide certain information regarding Federal award(s) to Contractor as a sub recipient. In signing this Agreement, Contractor acknowledges receipt of the following information regarding Federal award(s) that will be used to pay this Agreement:
  - i. **CFDA Title:** Medical Assistance Program
  - ii. **CFDA Number:** 93.778
  - iii. **Award Name:** Sonoma County Human Services Department
  - iv. **Award Year:** 2013-2016
  - v. **Federal Agency:** Centers for Medicare and Medicaid Services
  - vi. **Federal Award(s) Amount:** n/a
  
- b. **Audits.** Contractor agrees that all expenditures of state and federal funds furnished to the Contractor pursuant to this Agreement are subject to audit by County, State and/or federal agencies. Contractor warrants that it shall comply with the audit requirements as set forth in Office of Management and Budget (OMB) circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. County agrees to provide fourteen (14) days notice of intent of County to audit Contractor. Contractors subject to the Single Audit Act of 1984 and Single Audit Act Amendments of 1996 shall annually submit an independent audit conforming to OMB Circular A-133, which applies to non-profit organizations.
  - a. **Copy of Audit.** Contractor agrees a copy of audits performed shall be submitted to County no later than thirty (30) days after completion of the audit report, or no later than nine (9) months after the end of Contractor's fiscal year, whichever comes first. The Contractor's agreement(s) with audit firms shall have a clause to permit access by the County and state and federal agencies to the working papers of the external independent auditor.
  - b. **Retention of Audit Report.** Contractor agrees that audit reports and work papers shall be retained for a minimum of five (5) years from the date of the audit report, unless the auditor is notified in writing by the County, state or federal agency to extend the retention period.
  - c. **Repayment.** Contractor is responsible for the repayment of all audit exceptions and disallowances taken by County, State or Federal agencies related to services provided by Contractor under this Agreement. Where allowable costs have been claimed and reimbursed, they will be refunded to the program that reimbursed the unallowable cost either by cash refund or by offset to subsequent claims.

**VIII. Statutory Compliance**

<org small title> agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies applicable to the services provided under this MOU as they exist now and as they are changed, amended or modified during the term of this MOU. A list of Special Terms and Conditions for federally funded service contract or agreements is attached in Exhibit A.

**IX. Confidentiality.**

Both parties agree to maintain the confidentiality of all patient medical records and client information in accordance with all applicable state and federal laws and regulations.

**X. Dispute Resolution**

If any conflicts or disputes arise between the two parties, involved staff shall meet in a timely manner to resolve the conflict or dispute. It is acknowledged by both parties that the purpose of such meeting is to come to a resolution that is in the best interest of both parties and any client or patient involved.

**XI. Indemnification**

<org small title> agrees to accept all responsibility for loss or damage to any person or entity, and to defend, indemnify, hold harmless and release County (including its supervisors, officers, agents, and employees) from and against any and all actions, claims, damages, disabilities, or expenses (including costs and attorney fees) that may be asserted by any person or entity, including <org small title>, resulting from <org small title>'s acts, errors, omissions, and/or willful misconduct arising out of or in connection with the performance of this Agreement. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for <org small title> or its agents under workers' compensation acts, disability benefit acts, or other employee benefit acts. This indemnification provision survives termination of this Agreement with respects to issues arising hereunder.

**XII. Merger.**

This writing is intended both as the final expression of the MOU between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the MOU. No modification of this MOU shall be effective unless and until such modification is evidenced by a writing signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the Effective Date.

<full name of agency>:

\_\_\_\_\_ Date \_\_\_\_\_  
<name>, <title>, <full name of agency>

COUNTY OF SONOMA:

\_\_\_\_\_ Date \_\_\_\_\_  
Rita Scardaci, PHN, MPH, Director - Department of Health Services

Approved as to Substance:

\_\_\_\_\_ Date \_\_\_\_\_  
Division Director or Designee

Approved as to Form:

\_\_\_\_\_ Date \_\_\_\_\_  
Name of Counsel, Deputy County Counsel

**Exhibit A**  
**Special Terms and Conditions**

*(For federally funded service contracts or agreements and grant agreements)*

The use of headings or titles throughout this exhibit is for convenience only and shall not be used to interpret or to govern the meaning of any specific term or condition.

The terms "contract", "Contractor" and "Subcontractor" shall also mean, "agreement", "grant", "grant agreement", "Grantee" and "Subgrantee" respectively.

The terms "California Department of Health Care Services", "California Department of Health Services", "Department of Health Care Services", "Department of Health Services", "CDHCS", "DHCS", "CDHS", and "DHS" shall all have the same meaning and refer to the California State agency that is a party to this Agreement.

This exhibit contains provisions that require strict adherence to various contracting laws and policies. Some provisions herein are conditional and only apply if specified conditions exist (i.e., agreement total exceeds a certain amount; agreement is federally funded, etc.). The provisions herein apply to this Agreement unless the provisions are removed by reference on the face of this Agreement, the provisions are superseded by an alternate provision appearing elsewhere in this Agreement, or the applicable conditions do not exist.

**Index of Special Terms and Conditions**

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**1. Federal Equal Opportunity Requirements**

(Applicable to all federally funded agreements entered into by the Department of Health Care Services)

- a. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era. The Contractor will take affirmative action to ensure that qualified applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin, physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and career development opportunities and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Federal Government or DHCS, setting forth the provisions of the Equal Opportunity clause, Section 503 of the Rehabilitation Act of 1973 and the affirmative action clause required by the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 4212). Such notices shall state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified applicants without discrimination based on their race, color, religion, sex, national origin physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era and the rights of applicants and employees.
- b. The Contractor will, in all solicitations or advancements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era.
- c. The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice, to be provided by the Federal Government or the State, advising the labor union or workers' representative of the Contractor's commitments under the provisions herein and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d. The Contractor will comply with all provisions of and furnish all information and reports required by Section 503 of the Rehabilitation Act of 1973, as amended, the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 4212) and of the Federal Executive Order No. 11246 as amended, including by Executive Order 11375, 'Amending Executive Order 11246 Relating to Equal Employment Opportunity,' and as supplemented by regulation at 41 CFR part 60, "Office of the Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," and of the rules, regulations, and relevant orders of the Secretary of Labor.
- e. The Contractor will furnish all information and reports required by Federal Executive Order No. 11246 as amended, including by Executive Order 11375, 'Amending Executive Order 11246 Relating to Equal Employment Opportunity,' and as supplemented by regulation at 41 CFR part 60, "Office of the Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," and the Rehabilitation Act of 1973, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the State and its designated representatives and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- f. In the event of the Contractor's noncompliance with the requirements of the provisions herein or with any federal rules, regulations, or orders which are referenced herein, this Agreement may be cancelled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further federal and state contracts in accordance with procedures authorized in Federal Executive Order No. 11246 as amended and such other sanctions may be imposed and remedies invoked as provided in



Federal Executive Order No. 11246 as amended, including by Executive Order 11375, 'Amending Executive Order 11246 Relating to Equal Employment Opportunity,' and as supplemented by regulation at 41 CFR part 60, "Office of the Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

- g. The Contractor will include the provisions of Paragraphs a through g in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Federal Executive Order No. 11246 as amended, including by Executive Order 11375, 'Amending Executive Order 11246 Relating to Equal Employment Opportunity,' and as supplemented by regulation at 41 CFR part 60, "Office of the Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," or Section 503 of the Rehabilitation Act of 1973 or (38 U.S.C. 4212) of the Vietnam Era Veteran's Readjustment Assistance Act, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs or DHCS may direct as a means of enforcing such provisions including sanctions for noncompliance provided, however, that in the event the Contractor becomes involved in, or is threatened with litigation by a subcontractor or vendor as a result of such direction by DHCS, the Contractor may request in writing to DHCS, who, in turn, may request the United States to enter into such litigation to protect the interests of the State and of the United States.

## 2. Travel and Per Diem Reimbursement

(Applicable if travel and/or per diem expenses are reimbursed with agreement funds.)

Reimbursement for travel and per diem expenses from DHCS under this Agreement shall, unless otherwise specified in this Agreement, be at the rates currently in effect, as established by the California Department of Personnel Administration (DPA), for nonrepresented state employees as stipulated in DHCS' Travel Reimbursement Information Exhibit. If the DPA rates change during the term of the Agreement, the new rates shall apply upon their effective date and no amendment to this Agreement shall be necessary. Exceptions to DPA rates may be approved by DHCS upon the submission of a statement by the Contractor indicating that such rates are not available to the Contractor. No travel outside the State of California shall be reimbursed without prior authorization from DHCS. Verbal authorization should be confirmed in writing. Written authorization may be in a form including fax or email confirmation.

## 3. Procurement Rules

(Applicable to agreements in which equipment/property, commodities and/or supplies are furnished by DHCS or expenses for said items are reimbursed by DHCS with state or federal funds provided under the Agreement.)

### a. Equipment/Property definitions

Wherever the term equipment and/or property is used, the following definitions shall apply:

- (1) **Major equipment/property:** A tangible or intangible item having a base unit cost of **\$5,000 or more** with a life expectancy of one (1) year or more and is either furnished by DHCS or the cost is reimbursed through this Agreement. Software and videos are examples of intangible items that meet this definition.
  - (2) **Minor equipment/property:** A tangible item having a base unit cost of **less than \$5,000** with a life expectancy of one (1) year or more and is either furnished by DHCS or the cost is reimbursed through this Agreement.
- b. **Government and public entities** (including state colleges/universities and auxiliary organizations),

whether acting as a contractor and/or subcontractor, may secure all commodities, supplies, equipment and services related to such purchases that are required in performance of this Agreement. Said procurements are subject to Paragraphs d through h of Provision 3. Paragraph c of Provision 3 shall also apply, if equipment/property purchases are delegated to subcontractors that are nonprofit organizations or commercial businesses.

- c. **Nonprofit organizations and commercial businesses**, whether acting as a contractor and/or subcontractor, may secure commodities, supplies, equipment/property and services related to such purchases for performance under this Agreement.

- (1) Equipment/property purchases shall not exceed \$50,000 annually.

To secure equipment/property above the annual maximum limit of \$50,000, the Contractor shall make arrangements through the appropriate DHCS Program Contract Manager, to have all remaining equipment/property purchased through DHCS' Purchasing Unit. The cost of equipment/property purchased by or through DHCS shall be deducted from the funds available in this Agreement. Contractor shall submit to the DHCS Program Contract Manager a list of equipment/property specifications for those items that the State must procure. DHCS may pay the vendor directly for such arranged equipment/property purchases and title to the equipment/property will remain with DHCS. The equipment/property will be delivered to the Contractor's address, as stated on the face of the Agreement, unless the Contractor notifies the DHCS Program Contract Manager, in writing, of an alternate delivery address.

- (2) All equipment/property purchases are subject to Paragraphs d through h of Provision 3. Paragraph b of Provision 3 shall also apply, if equipment/property purchases are delegated to subcontractors that are either a government or public entity.

- (3) Nonprofit organizations and commercial businesses shall use a procurement system that meets the following standards:

- (a) Maintain a code or standard of conduct that shall govern the performance of its officers, employees, or agents engaged in awarding procurement contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a procurement, or bid contract in which, to his or her knowledge, he or she has a financial interest.

- (b) Procurements shall be conducted in a manner that provides, to the maximum extent practical, open, and free competition.

- (c) Procurements shall be conducted in a manner that provides for all of the following:

- (1) Avoid purchasing unnecessary or duplicate items.
- (2) Equipment/property solicitations shall be based upon a clear and accurate description of the technical requirements of the goods to be procured.
- (3) Take positive steps to utilize small and veteran owned businesses.

- d. Unless waived or otherwise stipulated in writing by DHCS, prior written authorization from the appropriate DHCS Program Contract Manager will be required before the Contractor will be reimbursed for any purchase of \$5,000 or more for commodities, supplies, equipment/property, and services related to such purchases. The Contractor must provide in its request for authorization all particulars necessary, as specified by DHCS, for evaluating the necessity or desirability of incurring such costs. The term "purchase" excludes the purchase of services from a subcontractor and public utility services at rates established for uniform applicability to the general public.

- e. In special circumstances, determined by DHCS (e.g., when DHCS has a need to monitor certain purchases, etc.), DHCS may require prior written authorization and/or the submission of paid vendor

receipts for any purchase, regardless of dollar amount. DHCS reserves the right to either deny claims for reimbursement or to request repayment for any Contractor and/or subcontractor purchase that DHCS determines to be unnecessary in carrying out performance under this Agreement.

- f. The Contractor and/or subcontractor must maintain a copy or narrative description of the procurement system, guidelines, rules, or regulations that will be used to make purchases under this Agreement. The State reserves the right to request a copy of these documents and to inspect the purchasing practices of the Contractor and/or subcontractor at any time.
- g. For all purchases, the Contractor and/or subcontractor must maintain copies of all paid vendor invoices, documents, bids and other information used in vendor selection, for inspection or audit. Justifications supporting the absence of bidding (i.e., sole source purchases) shall also be maintained on file by the Contractor and/or subcontractor for inspection or audit.
- h. DHCS may, with cause (e.g., with reasonable suspicion of unnecessary purchases or use of inappropriate purchase practices, etc.), withhold, cancel, modify, or retract the delegated purchase authority granted under Paragraphs b and/or c of Provision 3 by giving the Contractor no less than 30 calendar days written notice.

#### **4. Equipment/Property Ownership / Inventory / Disposition**

(Applicable to agreements in which equipment/property is furnished by DHCS and/or when said items are purchased or reimbursed by DHCS with state or federal funds provided under the Agreement.)

- a. Wherever the term equipment and/or property is used in Provision 4, the definitions in Paragraph a. of Provision 3 shall apply.

Unless otherwise stipulated in this Agreement, all equipment and/or property that is purchased/reimbursed with agreement funds or furnished by DHCS under the terms of this Agreement shall be considered state equipment and the property of DHCS.

- (1) **Reporting of Equipment/Property Receipt** - DHCS requires the reporting, tagging and annual inventorying of all equipment and/or property that is furnished by DHCS or purchased/reimbursed with funds provided through this Agreement.

Upon receipt of equipment and/or property, the Contractor shall report the receipt to the DHCS Program Contract Manager. To report the receipt of said items and to receive property tags, Contractor shall use a form or format designated by DHCS' Asset Management Unit. If the appropriate form (i.e., Contractor Equipment Purchased with DHCS Funds) does not accompany this Agreement, Contractor shall request a copy from the DHCS Program Contract Manager.

- (2) **Annual Equipment/Property Inventory** - If the Contractor enters into an agreement with a term of more than twelve months, the Contractor shall submit an annual inventory of state equipment and/or property to the DHCS Program Contract Manager using a form or format designated by DHCS' Asset Management Unit. If an inventory report form (i.e., Inventory/Disposition of DHCS-Funded Equipment) does not accompany this Agreement, Contractor shall request a copy from the DHCS Program Contract Manager. Contractor shall:

- (a) Include in the inventory report, equipment and/or property in the Contractor's possession and/or in the possession of a subcontractor (including independent consultants).
- (b) Submit the inventory report to DHCS according to the instructions appearing on the inventory form or issued by the DHCS Program Contract Manager.

- (c) Contact the DHCS Program Contract Manager to learn how to remove, trade-in, sell, transfer or survey off, from the inventory report, expired equipment and/or property that is no longer wanted, usable or has passed its life expectancy. Instructions will be supplied by either the DHCS Program Contract Manager or DHCS' Asset Management Unit.
- b. Title to state equipment and/or property shall not be affected by its incorporation or attachment to any property not owned by the State.
- c. Unless otherwise stipulated, DHCS shall be under no obligation to pay the cost of restoration, or rehabilitation of the Contractor's and/or Subcontractor's facility which may be affected by the removal of any state equipment and/or property.
- d. The Contractor and/or Subcontractor shall maintain and administer a sound business program for ensuring the proper use, maintenance, repair, protection, insurance and preservation of state equipment and/or property.
  - (1) In administering this provision, DHCS may require the Contractor and/or Subcontractor to repair or replace, to DHCS' satisfaction, any damaged, lost or stolen state equipment and/or property. In the event of state equipment and/or miscellaneous property theft, Contractor and/or Subcontractor shall immediately file a theft report with the appropriate police agency or the California Highway Patrol and Contractor shall promptly submit one copy of the theft report to the DHCS Program Contract Manager.
- e. Unless otherwise stipulated by the Program funding this Agreement, equipment and/or property purchased/reimbursed with agreement funds or furnished by DHCS under the terms of this Agreement, shall only be used for performance of this Agreement or another DHCS agreement.
- f. Within sixty (60) calendar days prior to the termination or end of this Agreement, the Contractor shall provide a final inventory report of equipment and/or property to the DHCS Program Contract Manager and shall, at that time, query DHCS as to the requirements, including the manner and method, of returning state equipment and/or property to DHCS. Final disposition of equipment and/or property shall be at DHCS expense and according to DHCS instructions. Equipment and/or property disposition instructions shall be issued by DHCS immediately after receipt of the final inventory report. At the termination or conclusion of this Agreement, DHCS may at its discretion, authorize the continued use of state equipment and/or property for performance of work under a different DHCS agreement.
- g. **Motor Vehicles**

(Applicable only if motor vehicles are purchased/reimbursed with agreement funds or furnished by DHCS under this Agreement.)

- (1) If motor vehicles are purchased/reimbursed with agreement funds or furnished by DHCS under the terms of this Agreement, within thirty (30) calendar days prior to the termination or end of this Agreement, the Contractor and/or Subcontractor shall return such vehicles to DHCS and shall deliver all necessary documents of title or registration to enable the proper transfer of a marketable title to DHCS.
- (2) If motor vehicles are purchased/reimbursed with agreement funds or furnished by DHCS under the terms of this Agreement, the State of California shall be the legal owner of said motor vehicles and the Contractor shall be the registered owner. The Contractor and/or a subcontractor may only use said vehicles for performance and under the terms of this Agreement.
- (3) The Contractor and/or Subcontractor agree that all operators of motor vehicles, purchased/reimbursed with agreement funds or furnished by DHCS under the terms of this

Agreement, shall hold a valid State of California driver's license. In the event that ten or more passengers are to be transported in any one vehicle, the operator shall also hold a State of California Class B driver's license.

- (4) If any motor vehicle is purchased/reimbursed with agreement funds or furnished by DHCS under the terms of this Agreement, the Contractor and/or Subcontractor, as applicable, shall provide, maintain, and certify that, at a minimum, the following type and amount of automobile liability insurance is in effect during the term of this Agreement or any extension period during which any vehicle remains in the Contractor's and/or Subcontractor's possession:

**Automobile Liability Insurance**

- (a) The Contractor, by signing this Agreement, hereby certifies that it possesses or will obtain automobile liability insurance in the amount of \$1,000,000 per occurrence for bodily injury and property damage combined. Said insurance must be obtained and made effective upon the delivery date of any motor vehicle, purchased/reimbursed with agreement funds or furnished by DHCS under the terms of this Agreement, to the Contractor and/or Subcontractor.
- (b) The Contractor and/or Subcontractor shall, as soon as practical, furnish a copy of the certificate of insurance to the DHCS Program Contract Manager. The certificate of insurance shall identify the DHCS contract or agreement number for which the insurance applies.
- (c) The Contractor and/or Subcontractor agree that bodily injury and property damage liability insurance, as required herein, shall remain in effect at all times during the term of this Agreement or until such time as the motor vehicle is returned to DHCS.
- (d) The Contractor and/or Subcontractor agree to provide, at least thirty (30) days prior to the expiration date of said insurance coverage, a copy of a new certificate of insurance evidencing continued coverage, as indicated herein, for not less than the remainder of the term of this Agreement, the term of any extension or continuation thereof, or for a period of not less than one (1) year.
- (e) The Contractor and/or Subcontractor, if not a self-insured government and/or public entity, must provide evidence, that any required certificates of insurance contain the following provisions:
  - [1] The insurer will not cancel the insured's coverage without giving thirty (30) calendar days prior written notice to the State (California Department of Health Care Services).
  - [2] The State of California, its officers, agents, employees, and servants are included as additional insureds, but only with respect to work performed for the State under this Agreement and any extension or continuation of this Agreement.
  - [3] The insurance carrier shall notify the California Department of Health Care Services (DHCS), in writing, of the Contractor's failure to pay premiums; its cancellation of such policies; or any other substantial change, including, but not limited to, the status, coverage, or scope of the required insurance. Such notices shall contain a reference to each agreement number for which the insurance was obtained.
- (f) The Contractor and/or Subcontractor is hereby advised that copies of certificates of insurance may be subject to review and approval by the Department of General Services (DGS), Office of Risk and Insurance Management. The Contractor shall be notified by DHCS, in writing, if this provision is applicable to this Agreement. If DGS approval of the certificate of insurance is required, the Contractor agrees that no work or services shall be performed prior to obtaining said approval.

- (g) In the event the Contractor and/or Subcontractor fails to keep insurance coverage, as required herein, in effect at all times during vehicle possession, DHCS may, in addition to any other remedies it may have, terminate this Agreement upon the occurrence of such event.

## 5. **Subcontract Requirements**

(Applicable to agreements under which services are to be performed by subcontractors including independent consultants.)

- a. Prior written authorization will be required before the Contractor enters into or is reimbursed for any subcontract for services costing \$5,000 or more. Except as indicated in Paragraph a(3) herein, when securing subcontracts for services exceeding \$5,000, the Contractor shall obtain at least three bids or justify a sole source award.
  - (1) The Contractor must provide in its request for authorization, all information necessary for evaluating the necessity or desirability of incurring such cost.
  - (2) DHCS may identify the information needed to fulfill this requirement.
  - (3) Subcontracts performed by the following entities or for the service types listed below are exempt from the bidding and sole source justification requirements:
    - (a) A local governmental entity or the federal government,
    - (b) A State college or State university from any State,
    - (c) A Joint Powers Authority,
    - (d) An auxiliary organization of a California State University or a California community college,
    - (e) A foundation organized to support the Board of Governors of the California Community Colleges,
    - (f) An auxiliary organization of the Student Aid Commission established under Education Code § 69522,
    - (g) Firms or individuals proposed for use and approved by DHCS' funding Program via acceptance of an application or proposal for funding or pre/post contract award negotiations,
    - (h) Entities and/or service types identified as exempt from advertising and competitive bidding in State Contracting Manual Chapter 5 Section 5.80 Subsection B.3. View this publication at the following Internet address: <http://www.dgs.ca.gov/ols/Resources/StateContractManual.aspx>.
- b. DHCS reserves the right to approve or disapprove the selection of subcontractors and with advance written notice, require the substitution of subcontractors and require the Contractor to terminate subcontracts entered into in support of this Agreement.
  - (1) Upon receipt of a written notice from DHCS requiring the substitution and/or termination of a subcontract, the Contractor shall take steps to ensure the completion of any work in progress and select a replacement, if applicable, within 30 calendar days, unless a longer period is agreed to by DHCS.
- c. Actual subcontracts (i.e., written agreement between the Contractor and a subcontractor) of \$5,000 or more are subject to the prior review and written approval of DHCS. DHCS may, at its discretion, elect to waive this right. All such waivers shall be confirmed in writing by DHCS.
- d. Contractor shall maintain a copy of each subcontract entered into in support of this Agreement and shall, upon request by DHCS, make copies available for approval, inspection, or audit.
- e. DHCS assumes no responsibility for the payment of subcontractors used in the performance of this

Agreement. Contractor accepts sole responsibility for the payment of subcontractors used in the performance of this Agreement.

- f. The Contractor is responsible for all performance requirements under this Agreement even though performance may be carried out through a subcontract.
- g. The Contractor shall ensure that all subcontracts for services include provision(s) requiring compliance with applicable terms and conditions specified in this Agreement.
- h. The Contractor agrees to include the following clause, relevant to record retention, in all subcontracts for services:

"(Subcontractor Name) agrees to maintain and preserve, until three years after termination of (Agreement Number) and final payment from DHCS to the Contractor, to permit DHCS or any duly authorized representative, to have access to, examine or audit any pertinent books, documents, papers and records related to this subcontract and to allow interviews of any employees who might reasonably have information related to such records."

- i. Unless otherwise stipulated in writing by DHCS, the Contractor shall be the subcontractor's sole point of contact for all matters related to performance and payment under this Agreement.
- j. Contractor shall, as applicable, advise all subcontractors of their obligations pursuant to the following numbered provisions of this Exhibit: 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 17, 19, 20, 24, 32 and/or other numbered provisions herein that are deemed applicable.

## **6. Income Restrictions**

Unless otherwise stipulated in this Agreement, the Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor under this Agreement shall be paid by the Contractor to DHCS, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by DHCS under this Agreement.

## **7. Audit and Record Retention**

(Applicable to agreements in excess of \$10,000.)

- a. The Contractor and/or Subcontractor shall maintain books, records, documents, and other evidence, accounting procedures and practices, sufficient to properly reflect all direct and indirect costs of whatever nature claimed to have been incurred in the performance of this Agreement, including any matching costs and expenses. The foregoing constitutes "records" for the purpose of this provision.
- b. The Contractor's and/or subcontractor's facility or office or such part thereof as may be engaged in the performance of this Agreement and his/her records shall be subject at all reasonable times to inspection, audit, and reproduction.
- c. Contractor agrees that DHCS, the Department of General Services, the Bureau of State Audits, or their designated representatives including the Comptroller General of the United States shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (GC 8546.7, CCR Title 2, Section 1896).
- d. The Contractor and/or Subcontractor shall preserve and make available his/her records (1) for a period

of three years from the date of final payment under this Agreement, and (2) for such longer period, if any, as is required by applicable statute, by any other provision of this Agreement, or by subparagraphs (1) or (2) below.

- (1) If this Agreement is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final settlement.
  - (2) If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three-year period, whichever is later.
- e. The Contractor and/or Subcontractor shall comply with the above requirements and be aware of the penalties for violations of fraud and for obstruction of investigation as set forth in Public Contract Code § 10115.10, if applicable.
- f. The Contractor and/or Subcontractor may, at its discretion, following receipt of final payment under this Agreement, reduce its accounts, books and records related to this Agreement to microfilm, computer disk, CD ROM, DVD, or other data storage medium. Upon request by an authorized representative to inspect, audit or obtain copies of said records, the Contractor and/or Subcontractor must supply or make available applicable devices, hardware, and/or software necessary to view, copy and/or print said records. Applicable devices may include, but are not limited to, microfilm readers and microfilm printers, etc.
- g. The Contractor shall, if applicable, comply with the Single Audit Act and the audit reporting requirements set forth in OMB Circular A-133.

## **8. Site Inspection**

The State, through any authorized representatives, has the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed hereunder including subcontract supported activities and the premises in which it is being performed. If any inspection or evaluation is made of the premises of the Contractor or Subcontractor, the Contractor shall provide and shall require Subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the authorized representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

## **9. Federal Contract Funds**

(Applicable only to that portion of an agreement funded in part or whole with federal funds.)

- a. It is mutually understood between the parties that this Agreement may have been written before ascertaining the availability of congressional appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays which would occur if the Agreement were executed after that determination was made.
- b. This agreement is valid and enforceable only if sufficient funds are made available to the State by the United States Government for the fiscal years covered by the term of this Agreement. In addition, this Agreement is subject to any additional restrictions, limitations, or conditions enacted by the Congress or any statute enacted by the Congress which may affect the provisions, terms or funding of this Agreement in any manner.
- c. It is mutually agreed that if the Congress does not appropriate sufficient funds for the program, this



Agreement shall be amended to reflect any reduction in funds.

- d. DHCS has the option to invalidate or cancel the Agreement with 30-days advance written notice or to amend the Agreement to reflect any reduction in funds.

## 10. Intellectual Property Rights

### a. **Ownership**

- (1) Except where DHCS has agreed in a signed writing to accept a license, DHCS shall be and remain, without additional compensation, the sole owner of any and all rights, title and interest in all Intellectual Property, from the moment of creation, whether or not jointly conceived, that are made, conceived, derived from, or reduced to practice by Contractor or DHCS and which result directly or indirectly from this Agreement.
- (2) For the purposes of this Agreement, Intellectual Property means recognized protectable rights and interest such as: patents, (whether or not issued) copyrights, trademarks, service marks, applications for any of the foregoing, inventions, trade secrets, trade dress, logos, insignia, color combinations, slogans, moral rights, right of publicity, author's rights, contract and licensing rights, works, mask works, industrial design rights, rights of priority, know how, design flows, methodologies, devices, business processes, developments, innovations, good will and all other legal rights protecting intangible proprietary information as may exist now and/or here after come into existence, and all renewals and extensions, regardless of whether those rights arise under the laws of the United States, or any other state, country or jurisdiction.
  - (a) For the purposes of the definition of Intellectual Property, "works" means all literary works, writings and printed matter including the medium by which they are recorded or reproduced, photographs, art work, pictorial and graphic representations and works of a similar nature, film, motion pictures, digital images, animation cells, and other audiovisual works including positives and negatives thereof, sound recordings, tapes, educational materials, interactive videos and any other materials or products created, produced, conceptualized and fixed in a tangible medium of expression. It includes preliminary and final products and any materials and information developed for the purposes of producing those final products. Works does not include articles submitted to peer review or reference journals or independent research projects.
- (3) In the performance of this Agreement, Contractor will exercise and utilize certain of its Intellectual Property in existence prior to the effective date of this Agreement. In addition, under this Agreement, Contractor may access and utilize certain of DHCS' Intellectual Property in existence prior to the effective date of this Agreement. Except as otherwise set forth herein, Contractor shall not use any of DHCS' Intellectual Property now existing or hereafter existing for any purposes without the prior written permission of DHCS. **Except as otherwise set forth herein, neither the Contractor nor DHCS shall give any ownership interest in or rights to its Intellectual Property to the other Party.** If during the term of this Agreement, Contractor accesses any third-party Intellectual Property that is licensed to DHCS, Contractor agrees to abide by all license and confidentiality restrictions applicable to DHCS in the third-party's license agreement.
- (4) Contractor agrees to cooperate with DHCS in establishing or maintaining DHCS' exclusive rights in the Intellectual Property, and in assuring DHCS' sole rights against third parties with respect to the Intellectual Property. If the Contractor enters into any agreements or subcontracts with other parties in order to perform this Agreement, Contractor shall require the terms of the Agreement(s) to include all Intellectual Property provisions. Such terms must include, but are not limited to, the subcontractor assigning and agreeing to assign to DHCS all rights, title and interest in Intellectual Property made, conceived, derived from, or reduced to practice by the subcontractor, Contractor or DHCS and which result directly or indirectly from this Agreement or any subcontract.

- (5) Contractor further agrees to assist and cooperate with DHCS in all reasonable respects, and execute all documents and, subject to reasonable availability, give testimony and take all further acts reasonably necessary to acquire, transfer, maintain, and enforce DHCS' Intellectual Property rights and interests.

**b. Retained Rights / License Rights**

- (1) Except for Intellectual Property made, conceived, derived from, or reduced to practice by Contractor or DHCS and which result directly or indirectly from this Agreement, Contractor shall retain title to all of its Intellectual Property to the extent such Intellectual Property is in existence prior to the effective date of this Agreement. Contractor hereby grants to DHCS, without additional compensation, a permanent, non-exclusive, royalty free, paid-up, worldwide, irrevocable, perpetual, non-terminable license to use, reproduce, manufacture, sell, offer to sell, import, export, modify, publicly and privately display/perform, distribute, and dispose Contractor's Intellectual Property with the right to sublicense through multiple layers, for any purpose whatsoever, to the extent it is incorporated in the Intellectual Property resulting from this Agreement, unless Contractor assigns all rights, title and interest in the Intellectual Property as set forth herein.
- (2) Nothing in this provision shall restrict, limit, or otherwise prevent Contractor from using any ideas, concepts, know-how, methodology or techniques related to its performance under this Agreement, provided that Contractor's use does not infringe the patent, copyright, trademark rights, license or other Intellectual Property rights of DHCS or third party, or result in a breach or default of any provisions of this Exhibit or result in a breach of any provisions of law relating to confidentiality.

**c. Copyright**

- (1) Contractor agrees that for purposes of copyright law, all works [as defined in Paragraph a, subparagraph (2)(a) of this provision] of authorship made by or on behalf of Contractor in connection with Contractor's performance of this Agreement shall be deemed "works made for hire". Contractor further agrees that the work of each person utilized by Contractor in connection with the performance of this Agreement will be a "work made for hire," whether that person is an employee of Contractor or that person has entered into an agreement with Contractor to perform the work. Contractor shall enter into a written agreement with any such person that: (i) all work performed for Contractor shall be deemed a "work made for hire" under the Copyright Act and (ii) that person shall assign all right, title, and interest to DHCS to any work product made, conceived, derived from, or reduced to practice by Contractor or DHCS and which result directly or indirectly from this Agreement.
- (2) All materials, including, but not limited to, visual works or text, reproduced or distributed pursuant to this Agreement that include Intellectual Property made, conceived, derived from, or reduced to practice by Contractor or DHCS and which result directly or indirectly from this Agreement, shall include DHCS' notice of copyright, which shall read in 3mm or larger typeface: "© [Enter Current Year e.g., 2010, etc.], California Department of Health Care Services. This material may not be reproduced or disseminated without prior written permission from the California Department of Health Care Services." This notice should be placed prominently on the materials and set apart from other matter on the page where it appears. Audio productions shall contain a similar audio notice of copyright.

**d. Patent Rights**

With respect to inventions made by Contractor in the performance of this Agreement, which did not result from research and development specifically included in the Agreement's scope of work, Contractor hereby grants to DHCS a license as described under Section b of this provision for devices or material

incorporating, or made through the use of such inventions. If such inventions result from research and development work specifically included within the Agreement's scope of work, then Contractor agrees to assign to DHCS, without additional compensation, all its right, title and interest in and to such inventions and to assist DHCS in securing United States and foreign patents with respect thereto.

**e. Third-Party Intellectual Property**

Except as provided herein, Contractor agrees that its performance of this Agreement shall not be dependent upon or include any Intellectual Property of Contractor or third party without first: (i) obtaining DHCS' prior written approval; and (ii) granting to or obtaining for DHCS, without additional compensation, a license, as described in Section b of this provision, for any of Contractor's or third-party's Intellectual Property in existence prior to the effective date of this Agreement. If such a license upon these terms is unattainable, and DHCS determines that the Intellectual Property should be included in or is required for Contractor's performance of this Agreement, Contractor shall obtain a license under terms acceptable to DHCS.

**f. Warranties**

(1) Contractor represents and warrants that:

- (a) It is free to enter into and fully perform this Agreement.
- (b) It has secured and will secure all rights and licenses necessary for its performance of this Agreement.
- (c) Neither Contractor's performance of this Agreement, nor the exercise by either Party of the rights granted in this Agreement, nor any use, reproduction, manufacture, sale, offer to sell, import, export, modification, public and private display/performance, distribution, and disposition of the Intellectual Property made, conceived, derived from, or reduced to practice by Contractor or DHCS and which result directly or indirectly from this Agreement will infringe upon or violate any Intellectual Property right, non-disclosure obligation, or other proprietary right or interest of any third-party or entity now existing under the laws of, or hereafter existing or issued by, any state, the United States, or any foreign country. There is currently no actual or threatened claim by any such third party based on an alleged violation of any such right by Contractor.
- (d) Neither Contractor's performance nor any part of its performance will violate the right of privacy of, or constitute a libel or slander against any person or entity.
- (e) It has secured and will secure all rights and licenses necessary for Intellectual Property including, but not limited to, consents, waivers or releases from all authors of music or performances used, and talent (radio, television and motion picture talent), owners of any interest in and to real estate, sites, locations, property or props that may be used or shown.
- (f) It has not granted and shall not grant to any person or entity any right that would or might derogate, encumber, or interfere with any of the rights granted to DHCS in this Agreement.
- (g) It has appropriate systems and controls in place to ensure that state funds will not be used in the performance of this Agreement for the acquisition, operation or maintenance of computer software in violation of copyright laws.
- (h) It has no knowledge of any outstanding claims, licenses or other charges, liens, or encumbrances of any kind or nature whatsoever that could affect in any way Contractor's performance of this Agreement.

(2) DHCS MAKES NO WARRANTY THAT THE INTELLECTUAL PROPERTY RESULTING

FROM THIS AGREEMENT DOES NOT INFRINGE UPON ANY PATENT, TRADEMARK, COPYRIGHT OR THE LIKE, NOW EXISTING OR SUBSEQUENTLY ISSUED.

**g. Intellectual Property Indemnity**

- (1) Contractor shall indemnify, defend and hold harmless DHCS and its licensees and assignees, and its officers, directors, employees, agents, representatives, successors, and users of its products, (“Indemnitees”) from and against all claims, actions, damages, losses, liabilities (or actions or proceedings with respect to any thereof), whether or not rightful, arising from any and all actions or claims by any third party or expenses related thereto (including, but not limited to, all legal expenses, court costs, and attorney’s fees incurred in investigating, preparing, serving as a witness in, or defending against, any such claim, action, or proceeding, commenced or threatened) to which any of the Indemnitees may be subject, whether or not Contractor is a party to any pending or threatened litigation, which arise out of or are related to (i) the incorrectness or breach of any of the representations, warranties, covenants or agreements of Contractor pertaining to Intellectual Property; or (ii) any Intellectual Property infringement, or any other type of actual or alleged infringement claim, arising out of DHCS’ use, reproduction, manufacture, sale, offer to sell, distribution, import, export, modification, public and private performance/display, license, and disposition of the Intellectual Property made, conceived, derived from, or reduced to practice by Contractor or DHCS and which result directly or indirectly from this Agreement. This indemnity obligation shall apply irrespective of whether the infringement claim is based on a patent, trademark or copyright registration that issued after the effective date of this Agreement. DHCS reserves the right to participate in and/or control, at Contractor’s expense, any such infringement action brought against DHCS.
- (2) Should any Intellectual Property licensed by the Contractor to DHCS under this Agreement become the subject of an Intellectual Property infringement claim, Contractor will exercise its authority reasonably and in good faith to preserve DHCS’ right to use the licensed Intellectual Property in accordance with this Agreement at no expense to DHCS. DHCS shall have the right to monitor and appear through its own counsel (at Contractor’s expense) in any such claim or action. In the defense or settlement of the claim, Contractor may obtain the right for DHCS to continue using the licensed Intellectual Property; or, replace or modify the licensed Intellectual Property so that the replaced or modified Intellectual Property becomes non-infringing provided that such replacement or modification is functionally equivalent to the original licensed Intellectual Property. If such remedies are not reasonably available, DHCS shall be entitled to a refund of all monies paid under this Agreement, without restriction or limitation of any other rights and remedies available at law or in equity.
- (3) Contractor agrees that damages alone would be inadequate to compensate DHCS for breach of any term of this Intellectual Property Exhibit by Contractor. Contractor acknowledges DHCS would suffer irreparable harm in the event of such breach and agrees DHCS shall be entitled to obtain equitable relief, including without limitation an injunction, from a court of competent jurisdiction, without restriction or limitation of any other rights and remedies available at law or in equity.

**h. Federal Funding**

In any agreement funded in whole or in part by the federal government, DHCS may acquire and maintain the Intellectual Property rights, title, and ownership, which results directly or indirectly from the Agreement; except as provided in 37 Code of Federal Regulations part 401.14; however, the federal government shall have a non-exclusive, nontransferable, irrevocable, paid-up license throughout the world to use, duplicate, or dispose of such Intellectual Property throughout the world in any manner for governmental purposes and to have and permit others to do so.

i. **Survival**

The provisions set forth herein shall survive any termination or expiration of this Agreement or any project schedule.

**11. Air or Water Pollution Requirements**

Any federally funded agreement and/or subcontract in excess of \$100,000 must comply with the following provisions unless said agreement is exempt under 40 CFR 15.5.

- a. Government contractors agree to comply with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act [42 U.S.C. 1857(h)], section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).
- b. Institutions of higher education, hospitals, nonprofit organizations and commercial businesses agree to comply with all applicable standards, orders, or requirements issued under the Clean Air Act (42 U.S.C. 7401 et seq.), as amended, and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended.

**12. Prior Approval of Training Seminars, Workshops or Conferences**

Contractor shall obtain prior DHCS approval of the location, costs, dates, agenda, instructors, instructional materials, and attendees at any reimbursable training seminar, workshop, or conference conducted pursuant to this Agreement and of any reimbursable publicity or educational materials to be made available for distribution. The Contractor shall acknowledge the support of the State whenever publicizing the work under this Agreement in any media. This provision does not apply to necessary staff meetings or training sessions held for the staff of the Contractor or Subcontractor to conduct routine business matters.

**13. Confidentiality of Information**

- a. The Contractor and its employees, agents, or subcontractors shall protect from unauthorized disclosure names and other identifying information concerning persons either receiving services pursuant to this Agreement or persons whose names or identifying information become available or are disclosed to the Contractor, its employees, agents, or subcontractors as a result of services performed under this Agreement, except for statistical information not identifying any such person.
- b. The Contractor and its employees, agents, or subcontractors shall not use such identifying information for any purpose other than carrying out the Contractor's obligations under this Agreement.
- c. The Contractor and its employees, agents, or subcontractors shall promptly transmit to the DHCS Program Contract Manager all requests for disclosure of such identifying information not emanating from the client or person.
- d. The Contractor shall not disclose, except as otherwise specifically permitted by this Agreement or authorized by the client, any such identifying information to anyone other than DHCS without prior written authorization from the DHCS Program Contract Manager, except if disclosure is required by State or Federal law.
- e. For purposes of this provision, identity shall include, but not be limited to name, identifying number, symbol, or other identifying particular assigned to the individual, such as finger or voice print or a photograph.
- f. As deemed applicable by DHCS, this provision may be supplemented by additional terms and conditions

covering personal health information (PHI) or personal, sensitive, and/or confidential information (PSCI). Said terms and conditions will be outlined in one or more exhibits that will either be attached to this Agreement or incorporated into this Agreement by reference.

**14. Documents, Publications and Written Reports**

(Applicable to agreements over \$5,000 under which publications, written reports and documents are developed or produced. Government Code Section 7550.)

Any document, publication or written report (excluding progress reports, financial reports and normal contractual communications) prepared as a requirement of this Agreement shall contain, in a separate section preceding the main body of the document, the number and dollar amounts of all contracts or agreements and subcontracts relating to the preparation of such document or report, if the total cost for work by nonemployees of the State exceeds \$5,000.

**15. Dispute Resolution Process**

- a. A Contractor grievance exists whenever there is a dispute arising from DHCS' action in the administration of an agreement. If there is a dispute or grievance between the Contractor and DHCS, the Contractor must seek resolution using the procedure outlined below.
  - (1) The Contractor should first informally discuss the problem with the DHCS Program Contract Manager. If the problem cannot be resolved informally, the Contractor shall direct its grievance together with any evidence, in writing, to the program Branch Chief. The grievance shall state the issues in dispute, the legal authority or other basis for the Contractor's position and the remedy sought. The Branch Chief shall render a decision within ten (10) working days after receipt of the written grievance from the Contractor. The Branch Chief shall respond in writing to the Contractor indicating the decision and reasons therefore. If the Contractor disagrees with the Branch Chief's decision, the Contractor may appeal to the second level.
  - (2) When appealing to the second level, the Contractor must prepare an appeal indicating the reasons for disagreement with Branch Chief's decision. The Contractor shall include with the appeal a copy of the Contractor's original statement of dispute along with any supporting evidence and a copy of the Branch Chief's decision. The appeal shall be addressed to the Deputy Director of the division in which the branch is organized within ten (10) working days from receipt of the Branch Chief's decision. The Deputy Director of the division in which the branch is organized or his/her designee shall meet with the Contractor to review the issues raised. A written decision signed by the Deputy Director of the division in which the branch is organized or his/her designee shall be directed to the Contractor within twenty (20) working days of receipt of the Contractor's second level appeal.
- b. If the Contractor wishes to appeal the decision of the Deputy Director of the division in which the branch is organized or his/her designee, the Contractor shall follow the procedures set forth in Health and Safety Code Section 100171.
- c. Unless otherwise stipulated in writing by DHCS, all dispute, grievance and/or appeal correspondence shall be directed to the DHCS Program Contract Manager.
- d. There are organizational differences within DHCS' funding programs and the management levels identified in this dispute resolution provision may not apply in every contractual situation. When a grievance is received and organizational differences exist, the Contractor shall be notified in writing by the DHCS Program Contract Manager of the level, name, and/or title of the appropriate management official that is responsible for issuing a decision at a given level.

**16. Financial and Compliance Audit Requirements**

- a. The definitions used in this provision are contained in Section 38040 of the Health and Safety Code, which by this reference is made a part hereof.
- b. Direct service contract means a contract or agreement for services contained in local assistance or subvention programs or both (see Health and Safety [H&S] Code Section 38020). Direct service contracts shall not include contracts, agreements, grants, or subventions to other governmental agencies or units of government nor contracts or agreements with regional centers or area agencies on aging (H&S Code Section 38030).
- c. The Contractor, as indicated below, agrees to obtain one of the following audits:
  - (1) ***If the Contractor is a nonprofit organization (as defined in H&S Code Section 38040) and receives \$25,000 or more from any State agency under a direct service contract or agreement; the Contractor agrees to obtain an annual single, organization wide, financial and compliance audit. Said audit shall be conducted according to Generally Accepted Auditing Standards. This audit does not fulfill the audit requirements of Paragraph c(3) below. The audit shall be completed by the 15th day of the fifth month following the end of the Contractor's fiscal year, and/or***
  - (2) ***If the Contractor is a nonprofit organization (as defined in H&S Code Section 38040) and receives less than \$25,000 per year from any State agency under a direct service contract or agreement, the Contractor agrees to obtain a biennial single, organization wide financial and compliance audit, unless there is evidence of fraud or other violation of state law in connection with this Agreement. This audit does not fulfill the audit requirements of Paragraph c(3) below. The audit shall be completed by the 15th day of the fifth month following the end of the Contractor's fiscal year, and/or***
  - (3) ***If the Contractor is a State or Local Government entity or Nonprofit organization (as defined by the Federal Office of Management and Budget [OMB] Circular A-133) and expends \$500,000 or more in Federal awards, the Contractor agrees to obtain an annual single, organization wide, financial and compliance audit according to the requirements specified in OMB Circular A-133 entitled "Audits of States, Local Governments, and Non-Profit Organizations". An audit conducted pursuant to this provision will fulfill the audit requirements outlined in Paragraphs c(1) and c(2) above. The audit shall be completed by the end of the ninth month following the end of the audit period. The requirements of this provision apply if:***
    - (a) The Contractor is a recipient expending Federal awards received directly from Federal awarding agencies, or
    - (b) The Contractor is a subrecipient expending Federal awards received from a pass-through entity such as the State, County or community based organization.
  - (4) If the Contractor submits to DHCS a report of an audit other than an OMB A-133 audit, the Contractor must also submit a certification indicating the Contractor has not expended \$500,000 or more in federal funds for the year covered by the audit report.
- d. Two copies of the audit report shall be delivered to the DHCS program funding this Agreement. The audit report must identify the Contractor's legal name and the number assigned to this Agreement. The audit report shall be due within 30 days after the completion of the audit. Upon receipt of said audit report, the DHCS Program Contract Manager shall forward the audit report to DHCS' Audits and Investigations Unit if the audit report was submitted under Section 16.c(3), unless the audit report is from a City, County, or Special District within the State of California whereby the report will be retained by the funding program.
- e. The cost of the audits described herein may be included in the funding for this Agreement up to the

proportionate amount this Agreement represents of the Contractor's total revenue. The DHCS program funding this Agreement must provide advance written approval of the specific amount allowed for said audit expenses.

- f. The State or its authorized designee, including the Bureau of State Audits, is responsible for conducting agreement performance audits which are not financial and compliance audits. Performance audits are defined by Generally Accepted Government Auditing Standards.
- g. Nothing in this Agreement limits the State's responsibility or authority to enforce State law or regulations, procedures, or reporting requirements arising thereto.
- h. Nothing in this provision limits the authority of the State to make audits of this Agreement, provided however, that if independent audits arranged for by the Contractor meet Generally Accepted Governmental Auditing Standards, the State shall rely on those audits and any additional audit work and shall build upon the work already done.
- i. The State may, at its option, direct its own auditors to perform either of the audits described above. The Contractor will be given advance written notification, if the State chooses to exercise its option to perform said audits.
- j. The Contractor shall include a clause in any agreement the Contractor enters into with the audit firm doing the single organization wide audit to provide access by the State or Federal Government to the working papers of the independent auditor who prepares the single organization wide audit for the Contractor.
- k. Federal or state auditors shall have "expanded scope auditing" authority to conduct specific program audits during the same period in which a single organization wide audit is being performed, but the audit report has not been issued. The federal or state auditors shall review and have access to the current audit work being conducted and will not apply any testing or review procedures which have not been satisfied by previous audit work that has been completed.

The term "expanded scope auditing" is applied and defined in the U.S. General Accounting Office (GAO) issued Standards for *Audit of Government Organizations, Programs, Activities and Functions*, better known as the "yellow book".

#### **17. Human Subjects Use Requirements**

(Applicable only to federally funded agreements/grants in which performance, directly or through a subcontract/subaward, includes any tests or examination of materials derived from the human body.)

By signing this Agreement, Contractor agrees that if any performance under this Agreement or any subcontract or subagreement includes any tests or examination of materials derived from the human body for the purpose of providing information, diagnosis, prevention, treatment or assessment of disease, impairment, or health of a human being, all locations at which such examinations are performed shall meet the requirements of 42 U.S.C. Section 263a (CLIA) and the regulations thereunder.

#### **18. Novation Requirements**

If the Contractor proposes any novation agreement, DHCS shall act upon the proposal within 60 days after receipt of the written proposal. DHCS may review and consider the proposal, consult and negotiate with the Contractor, and accept or reject all or part of the proposal. Acceptance or rejection of the proposal may be made orally within the 60-day period and confirmed in writing within five days of said decision. Upon written acceptance of the proposal, DHCS will initiate an amendment to this Agreement to formally implement the approved proposal.



**19. Debarment and Suspension Certification**

(Applicable to all agreements funded in part or whole with federal funds.)

- a. By signing this Agreement, the Contractor/Grantee agrees to comply with applicable federal suspension and debarment regulations including, but not limited to 7 CFR Part 3017, 45 CFR 76, 40 CFR 32 or 34 CFR 85.
- b. By signing this Agreement, the Contractor certifies to the best of its knowledge and belief, that it and its principals:
  - (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any federal department or agency;
  - (2) Have not within a three-year period preceding this application/proposal/agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in Paragraph b(2) herein; and
  - (4) Have not within a three-year period preceding this application/proposal/agreement had one or more public transactions (Federal, State or local) terminated for cause or default.
  - (5) Shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under federal regulations (i.e., 48 CFR part 9, subpart 9.4), debarred, suspended, declared ineligible, or voluntarily excluded from participation in such transaction, unless authorized by the State.
  - (6) Will include a clause entitled, "Debarment and Suspension Certification" that essentially sets forth the provisions herein, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- c. If the Contractor is unable to certify to any of the statements in this certification, the Contractor shall submit an explanation to the DHCS Program Contract Manager.
- d. The terms and definitions herein have the meanings set out in the Definitions and Coverage sections of the rules implementing Federal Executive Order 12549.
- e. If the Contractor knowingly violates this certification, in addition to other remedies available to the Federal Government, the DHCS may terminate this Agreement for cause or default.

**20. Smoke-Free Workplace Certification**

(Applicable to federally funded agreements/grants and subcontracts/subawards, that provide health, day care, early childhood development services, education or library services to children under 18 directly or through local governments.)

- a. Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded

by federal programs either directly or through state or local governments, by federal grant, contract, loan, or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such federal funds. The law does not apply to children's services provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable federal funds is Medicare or Medicaid; or facilities where WIC coupons are redeemed.

- b. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible party.
- c. By signing this Agreement, Contractor or Grantee certifies that it will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act. The prohibitions herein are effective December 26, 1994.
- d. Contractor or Grantee further agrees that it will insert this certification into any subawards (subcontracts or subgrants) entered into that provide for children's services as described in the Act.

**21. Covenant Against Contingent Fees**

(Applicable only to federally funded agreements.)

The Contractor warrants that no person or selling agency has been employed or retained to solicit/secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage, or contingent fee, except *bona fide* employees or *bona fide* established commercial or selling agencies retained by the Contractor for the purpose of securing business. For breach or violation of this warranty, DHCS shall have the right to annul this Agreement without liability or in its discretion to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such commission, percentage, and brokerage or contingent fee.

**22. Payment Withholds**

(Applicable only if a final report is required by this Agreement. Not applicable to government entities.) Unless waived or otherwise stipulated in this Agreement, DHCS may, at its discretion, withhold 10 percent (10%) of the face amount of the Agreement, 50 percent (50%) of the final invoice, or \$3,000 whichever is greater, until DHCS receives a final report that meets the terms, conditions and/or scope of work requirements of this Agreement.

**23. Performance Evaluation**

(Not applicable to grant agreements.)

DHCS may, at its discretion, evaluate the performance of the Contractor at the conclusion of this Agreement. If performance is evaluated, the evaluation shall not be a public record and shall remain on file with DHCS. Negative performance evaluations may be considered by DHCS prior to making future contract awards.

**24. Officials Not to Benefit**

No members of or delegate of Congress or the State Legislature shall be admitted to any share or part of this Agreement, or to any benefit that may arise therefrom. This provision shall not be construed to extend to this Agreement if made with a corporation for its general benefits.

**25. Four-Digit Date Compliance**

(Applicable to agreements in which Information Technology (IT) services are provided to DHCS or if IT equipment is procured.)

Contractor warrants that it will provide only Four-Digit Date Compliant (as defined below) Deliverables and/or services to the State. "Four Digit Date compliant" Deliverables and services can accurately process, calculate, compare, and sequence date data, including without limitation date data arising out of or relating to leap years and changes in centuries. This warranty and representation is subject to the warranty terms and conditions of this Contract and does not limit the generality of warranty obligations set forth elsewhere herein.

**26. Prohibited Use of State Funds for Software**

(Applicable to agreements in which computer software is used in performance of the work.)

Contractor certifies that it has appropriate systems and controls in place to ensure that state funds will not be used in the performance of this Agreement for the acquisition, operation or maintenance of computer software in violation of copyright laws.

**27. Use of Small, Minority Owned and Women's Businesses**

(Applicable to that portion of an agreement that is federally funded and entered into with institutions of higher education, hospitals, nonprofit organizations or commercial businesses.)

Positive efforts shall be made to use small businesses, minority-owned firms and women's business enterprises, whenever possible (i.e., procurement of goods and/or services). Contractors shall take all of the following steps to further this goal.

- (1) Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.
- (2) Make information on forthcoming purchasing and contracting opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.
- (3) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.
- (4) Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.
- (5) Use the services and assistance, as appropriate, of such organizations as the Federal Small Business Administration and the U.S. Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.

**28. Alien Ineligibility Certification**

(Applicable to sole proprietors entering federally funded agreements.)

By signing this Agreement, the Contractor certifies that he/she is not an alien that is ineligible for state and local benefits, as defined in Subtitle B of the Personal Responsibility and Work Opportunity Act. (8 U.S.C. 1601, et seq.)

**29. Union Organizing**

(Applicable only to grant agreements.)

Grantee, by signing this Agreement, hereby acknowledges the applicability of Government Code Sections 16645 through 16649 to this Agreement. Furthermore, Grantee, by signing this Agreement, hereby certifies that:

- a. No state funds disbursed by this grant will be used to assist, promote or deter union organizing.
- b. Grantee shall account for state funds disbursed for a specific expenditure by this grant, to show those funds were allocated to that expenditure.
- c. Grantee shall, where state funds are not designated as described in b herein, allocate, on a pro-rata basis, all disbursements that support the grant program.
- d. If Grantee makes expenditures to assist, promote or deter union organizing, Grantee will maintain records sufficient to show that no state funds were used for those expenditures, and that Grantee shall provide those records to the Attorney General upon request.

**30. Contract Uniformity (Fringe Benefit Allowability)**

(Applicable only to nonprofit organizations.)

Pursuant to the provisions of Article 7 (commencing with Section 100525) of Chapter 3 of Part 1 of Division 101 of the Health and Safety Code, DHCS sets forth the following policies, procedures, and guidelines regarding the reimbursement of fringe benefits.

- a. As used herein fringe benefits shall mean an employment benefit given by one's employer to an employee in addition to one's regular or normal wages or salary.
- b. As used herein, fringe benefits do not include:
  - (1) Compensation for personal services paid currently or accrued by the Contractor for services of employees rendered during the term of this Agreement, which is identified as regular or normal salaries and wages, annual leave, vacation, sick leave, holidays, jury duty and/or military leave/training.
  - (2) Director's and executive committee member's fees.
  - (3) Incentive awards and/or bonus incentive pay.
  - (4) Allowances for off-site pay.
  - (5) Location allowances.
  - (6) Hardship pay.
  - (7) Cost-of-living differentials
- c. Specific allowable fringe benefits include:
  - (1) Fringe benefits in the form of employer contributions for the employer's portion of payroll taxes (i.e., FICA, SUI, SDI), employee health plans (i.e., health, dental and vision), unemployment insurance, worker's compensation insurance, and the employer's share of pension/retirement plans, provided they are granted in accordance with established written organization policies and meet all legal and Internal Revenue Service requirements.
- d. To be an allowable fringe benefit, the cost must meet the following criteria:
  - (1) Be necessary and reasonable for the performance of the Agreement.

- (2) Be determined in accordance with generally accepted accounting principles.
  - (3) Be consistent with policies that apply uniformly to all activities of the Contractor.
- e. Contractor agrees that all fringe benefits shall be at actual cost.
- f. Earned/Accrued Compensation
- (1) Compensation for vacation, sick leave and holidays is limited to that amount earned/accrued within the agreement term. Unused vacation, sick leave and holidays earned from periods prior to the agreement term cannot be claimed as allowable costs. See Provision f (3)(a) for an example.
  - (2) For multiple year agreements, vacation and sick leave compensation, which is earned/accrued but not paid, due to employee(s) not taking time off may be carried over and claimed within the overall term of the multiple years of the Agreement. Holidays cannot be carried over from one agreement year to the next. See Provision f (3)(b) for an example.
  - (3) For single year agreements, vacation, sick leave and holiday compensation that is earned/accrued but not paid, due to employee(s) not taking time off within the term of the Agreement, cannot be claimed as an allowable cost. See Provision f (3)(c) for an example.

(a) **Example No. 1:**

If an employee, John Doe, earns/accrues three weeks of vacation and twelve days of sick leave each year, then that is the maximum amount that may be claimed during a one year agreement. If John Doe has five weeks of vacation and eighteen days of sick leave at the beginning of an agreement, the Contractor during a one-year budget period may only claim up to three weeks of vacation and twelve days of sick leave as actually used by the employee. Amounts earned/accrued in periods prior to the beginning of the Agreement are not an allowable cost.

(b) **Example No. 2:**

If during a three-year (multiple year) agreement, John Doe does not use his three weeks of vacation in year one, or his three weeks in year two, but he does actually use nine weeks in year three; the Contractor would be allowed to claim all nine weeks paid for in year three. The total compensation over the three-year period cannot exceed 156 weeks (3 x 52 weeks).

(c) **Example No. 3:**

If during a single year agreement, John Doe works fifty weeks and used one week of vacation and one week of sick leave and all fifty-two weeks have been billed to DHCS, the remaining unused two weeks of vacation and seven days of sick leave may not be claimed as an allowable cost.

**31. Suspension or Stop Work Notification**

- a. DHCS may, at any time, issue a notice to suspend performance or stop work under this Agreement. The initial notification may be a verbal or written directive issued by the funding Program's Contract Manager. Upon receipt of said notice, the Contractor is to suspend and/or stop all, or any part, of the work called for by this Agreement.
- b. Written confirmation of the suspension or stop work notification with directions as to what work (if not all) is to be suspended and how to proceed will be provided within 30 working days of the verbal notification. The suspension or stop work notification shall remain in effect until further written notice is received from DHCS. The resumption of work (in whole or part) will be at DHCS' discretion and upon receipt of written confirmation.

- (1) Upon receipt of a suspension or stop work notification, the Contractor shall immediately comply with its terms and take all reasonable steps to minimize or halt the incurrence of costs allocable to the performance covered by the notification during the period of work suspension or stoppage.
- (2) Within 90 days of the issuance of a suspension or stop work notification, DHCS shall either:
  - (a) Cancel, extend, or modify the suspension or stop work notification; or
  - (b) Terminate the Agreement as provided for in the Cancellation/Termination clause of the Agreement.
- c. If a suspension or stop work notification issued under this clause is canceled or the period of suspension or any extension thereof is modified or expires, the Contractor may resume work only upon written concurrence of funding Program's Contract Manager.
- d. If the suspension or stop work notification is cancelled and the Agreement resumes, changes to the services, deliverables, performance dates, and/or contract terms resulting from the suspension or stop work notification shall require an amendment to the Agreement.
- e. If a suspension or stop work notification is not canceled and the Agreement is cancelled or terminated pursuant to the provision entitled Cancellation / Termination, DHCS shall allow reasonable costs resulting from the suspension or stop work notification in arriving at the settlement costs.
- f. DHCS shall not be liable to the Contractor for loss of profits because of any suspension or stop work notification issued under this clause.

**32. Lobbying Restrictions and Disclosure Certification**

(Applicable to federally funded agreements in excess of \$100,000 per Section 1352 of the 31, U.S.C.)

a. Certification and Disclosure Requirements

- (1) Each person (or recipient) who requests or receives a contract or agreement, subcontract, grant, or subgrant, which is subject to Section 1352 of the 31, U.S.C., and which exceeds \$100,000 at any tier, shall file a certification (in the form set forth in Attachment 1, consisting of one page, entitled "Certification Regarding Lobbying") that the recipient has not made, and will not make, any payment prohibited by Paragraph b of this provision.
- (2) Each recipient shall file a disclosure (in the form set forth in Attachment 2, entitled "Standard Form- LLL 'disclosure of Lobbying Activities'") if such recipient has made or has agreed to make any payment using non-appropriated funds (to include profits from any covered federal action) in connection with a contract, or grant or any extension or amendment of that contract, or grant, which would be prohibited under Paragraph b of this provision if paid for with appropriated funds.
- (3) Each recipient shall file a disclosure form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affect the accuracy of the information contained in any disclosure form previously filed by such person under Paragraph a(2) herein. An event that materially affects the accuracy of the information reported includes:
  - (a) A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered federal action;
  - (b) A change in the person(s) or individuals(s) influencing or attempting to influence a covered federal action; or

- (c) A change in the officer(s), employee(s), or member(s) contacted for the purpose of influencing or attempting to influence a covered federal action.
- (4) Each person (or recipient) who requests or receives from a person referred to in Paragraph a(1) of this provision a contract or agreement, subcontract, grant or subgrant exceeding \$100,000 at any tier under a contract or agreement, or grant shall file a certification, and a disclosure form, if required, to the next tier above.
- (5) All disclosure forms (but not certifications) shall be forwarded from tier to tier until received by the person referred to in Paragraph a(1) of this provision. That person shall forward all disclosure forms to DHCS Program Contract Manager.

b. Prohibition

Section 1352 of Title 31, U.S.C., provides in part that no appropriated funds may be expended by the recipient of a federal contract or agreement, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered federal actions: the awarding of any federal contract or agreement, the making of any federal grant, the making of any federal loan, entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract or agreement, grant, loan, or cooperative agreement.

**State of California**  
**Department of Health Care Services**

**CERTIFICATION REGARDING LOBBYING**

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making, awarding or entering into of this Federal contract, Federal grant, or cooperative agreement, and the extension, continuation, renewal, amendment, or modification of this Federal contract, grant, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency of the United States Government, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities" in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontractors, subgrants, and contracts under grants and cooperative agreements) of \$100,000 or more, and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C., any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\_\_\_\_\_  
Name of Contractor

\_\_\_\_\_  
Printed Name of Person Signing Contractor

\_\_\_\_\_  
Contract/Grant Number

\_\_\_\_\_  
Signature of Person Signing Contractor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

After execution by or on behalf of Contractor, please return to:

California Department of Health Care Services  
Safety Net Financing Division  
  
County Based Medi-Cal Administrative  
Activities 1501 Capitol Avenue  
  
PO Box 997436 MS 4603  
  
Sacramento, CA 95899-7436

*DHCS reserves the right to notify the contractor in writing of an alternate submission address.*



**CERTIFICATION REGARDING LOBBYING**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure)

Approved by OMB

0348-0046

|   |   |   |
|---|---|---|
| <p>1. Type of Federal Action: [ ]</p> <p>a. contract<br/>b. grant<br/>c. cooperative agreement<br/>d. loan<br/>e. loan guarantee<br/>f. loan insurance</p>  | <p>2. Status of Federal Action: [ ]</p> <p>a. bid/offer/application<br/>b. initial award<br/>c. post-award</p>                  | <p>3. Report Type: [ ]</p> <p>a. initial filing<br/>b. material change</p> <p>For Material Change Only:<br/>Year _____ quarter _____<br/>date of last report _____.</p> |
| <p>4. Name and Address of Reporting Entity:</p> <p><input type="checkbox"/> Prime                      <input type="checkbox"/> Subawardee<br/>Tier _____, if known:</p> <p>Congressional District, If known:</p>   | <p>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</p> <p>Congressional District, If known:</p> |   |
| <p>6. Federal Department/Agency</p>   | <p>7. Federal Program Name/Description:</p> <p>CDFA Number, if applicable: _____</p>  |   |
| <p>8. Federal Action Number, if known:</p>  | <p>9. Award Amount, if known:</p> <p>\$ _____</p>   |   |
| <p>10.a. Name and Address of Lobbying Registrant<br/>(If individual, last name, first name, MI):</p>  | <p>b. Individuals Performing Services (including address if different from 10a.<br/>(Last name, First name, MI):</p>            |   |
| <p>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person that fails to file the required disclosure shall be subject to a not more than \$100,000 for each such failure.</p> | <p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <hr/> <p>Telephone No.: _____ Date: _____</p>              |   |
| <p><b>Federal Use Only</b></p>  |   | <p>Authorized for Local Reproduction<br/>Standard Form-LLL (Rev. 7-97)</p>  |

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001".
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10.
  - (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.
  - (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 17**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors of Sonoma County

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Department of Health Services

**Staff Name and Phone Number:**

Rita Scardaci, 565-7876

**Supervisorial District(s):**

Countywide

**Title:** Supplemental Nutrition Assistance Program-Education (SNAP-Ed) Nutrition Education Subcontractor Agreement

### **Recommended Actions:**

Authorize the Director of Health Services to execute an agreement with Northern California Center for Well-Being for SNAP-Ed nutrition education activities and active recess schools technical assistance and evaluation support with a term end date of September 30, 2016, in an amount not to exceed \$541,950.

### **Executive Summary:**

This item requests approval of an agreement with Northern California Center for Well-Being for Supplemental Nutrition Assistance Program-Education (SNAP-Ed) nutrition education activities and active recess schools technical assistance and evaluation support with a term end date of September 30, 2016, in an amount not to exceed \$541,950.

In Sonoma County, approximately 54 percent of adults and 43 percent of low-income children ages 5-11 are overweight or obese. Factors contributing to this issue include poor nutrition and physical inactivity. Recent data shows that approximately 44 percent of Sonoma County adults and 29 percent of children ages 2-11 are not eating the recommended five servings of fruits and vegetables per day. Additionally, data from the 2011-2012 California's physical fitness test shows that 35 percent of Sonoma County 5th graders do not meet the Healthy Fitness Zone standards for aerobic capacity and 46 percent do not meet the standards for body composition. Economically disadvantaged students in the 5th grade, comprised largely of Latinos, were significantly less likely to meet the Healthy Fitness Zone for body composition than their non-economically disadvantaged counterparts.

Research shows that adults play an important role in addressing the obesity epidemic by helping to make the healthy choice the easy choice for children, adolescents, and their families. The Centers for Disease Control and Prevention notes that schools play an important role in addressing the obesity epidemic, stating that "promotion of physical activity and healthy eating have long been fundamental components of the educational experience... Research has shown that well-designed, well-implemented school programs can effectively promote physical activity and healthy eating." The Department of Health Services (DHS) is dedicated to the development of comprehensive nutrition education and

physical activity programs that are sustainable, easy to implement, and based on best or promising practices.

DHS received funding to perform nutrition education efforts related to SNAP-Ed in federal fiscal years 2012 and 2013. Funding has allowed DHS to coordinate nutrition education and awareness efforts related to healthy eating and physical activity for the CalFresh-eligible population throughout Sonoma County. Additionally, DHS received Community Transformation Grant (CTG) funding in federal fiscal years 2013 and 2014 to fund active recess programs for students at ten elementary schools in Sonoma County.

Since January 2012, DHS has collaboratively worked with the Human Services Department (HSD) on the development and implementation of a countywide nutrition expansion project utilizing SNAP-Ed funds. This collaboration resulted in the development of a County Nutrition Action Plan and the expansion of nutrition education classes for CalFresh recipients and CalFresh-eligible populations. HSD's SNAP-Ed funding ended on October 1, 2013. However, DHS will continue to meet with HSD quarterly to coordinate an optimal plan of action for providing nutrition education and other resources to CalFresh recipients and CalFresh-eligible populations.

#### Supplemental Nutrition Assistance Program-Education (SNAP-Ed) Grant

In January 2012, DHS received SNAP-Ed funds from the California Department of Public Health (CDPH) in the amount of \$250,000 to implement the Community Nutrition Expansion Project (CNEP) in federal fiscal year (FFY) 2012. In October 2012, DHS received additional SNAP-Ed funding from CDPH in the amount of \$2,531,278 for FFY 2013-2016. This funding will be used to expand CNEP work through implementation of a comprehensive public health nutrition program to promote the 2010 Dietary Guidelines, increase fruit and vegetable consumption, and reduce sugar-sweetened beverage consumption among Sonoma County's CalFresh-eligible population through FFY 2016.

DHS released a SNAP-Ed Nutrition Education contractor Request for Proposals (RFP) on September 9, 2013 to conduct nutrition education activities to SNAP-Ed eligible adults in support of CNEP. Three proposals were received in response to this RFP. A three-person review committee with extensive SNAP-Ed nutrition education program knowledge evaluated all proposals. Based on qualifications and experience commensurate with the project, work plans, approach to project management, and conformance with submittal guidelines, the committee recommended awarding the full contract (\$537,000) to Northern California Center for Well-Being (NCCWB). The work that NCCWB will perform is designed to empower and enable CalFresh-eligible families to select healthy foods and beverages and increase physical activity through nutrition education and includes the following:

- Providing nutrition education and sugar-sweetened beverage reduction (Rethink Your Drink) lessons to CalFresh-eligible adults.
- Building partnerships with organizations where nutrition education can be provided to CalFresh-eligible adults, including food pantries, soup kitchens, CalFresh offices, community health centers, farmers markets, community gardens, schools, and day labor centers.
- Providing information promoting healthy food and beverage consumption and physical activity at SNAP-Ed-qualifying community events.
- Training and mentoring CalFresh-eligible adults to become lay community health workers and lead nutrition education lessons for their peers.
- Engage and train qualifying grocery retailers to provide nutrition education information to customers through events and other retail strategies.

As required by the California Department of Public Health, DHS is responsible for meeting USDA deliverables and outcome measures, which require compiling data for and reporting quarterly on educational activities (e.g., nutrition education lessons and events) and community engagement activities (e.g., training lay community health workers, grocery retailers, and partnership building). DHS will also be evaluating NCCWB's activities in order to measure changes in fruit and vegetable consumption, changes in sugar-sweetened beverage consumption, and changes in consumption of healthier beverages (e.g., low fat/nonfat milk, water).

Community Transformation Grant (CTG)

In addition to the SNAP-Ed Nutrition Education work to be performed by NCCWB, DHS desires to fund NCCWB to perform technical assistance and evaluation support to elementary schools in support of Active Recess implementation (\$4,950). Active recess programs aim to increase physical activity in elementary schools by engaging students in physical activity during a majority of recess time through age appropriate games and other organized activities. Active recess is taught to students by trained "Recess Coaches" who encourage kids to get moving; they play games, get fit, and have fun. The funding source for this work is the federal Community Transformation Grant awarded to Sonoma County in 2012.

**Prior Board Actions:**

In January 2012 the Board approved an agreement with CDPH for the County to receive \$250,000 to implement the Sonoma County Community Nutrition Expansion Project.

In February 2012 the Board approved an agreement with the Northern California Center for Well-Being to provide nutrition education to SNAP-Ed-eligible adults in FFY 2012 in the amount of \$42,410 with a term end date of September 30, 2012.

In September 2012 DHS executed a revenue agreement with CDPH to receive \$2,531,578 in SNAP-Ed funds from CDPH pursuant to the September 2012 Board adopted resolution delegating authority to the Director of Health Services to accept state and federal funding and execute revenue agreements.

In October 2012 the Board approved an amendment to an agreement with Northern California Center for Well-Being to provide nutrition education to SNAP-Ed-eligible adults in FFY 2013, increasing the amount by \$128,335 and extending the contract one year, for a new not to exceed contract total of \$170,745 and an end date of September 30, 2013.

In September 2013 DHS executed a revenue agreement with CDPH to receive \$935,255 in SNAP-Ed funds from CDPH pursuant to the June 2013 Board adopted resolution delegating authority to the Director of Health Services to accept state and federal funding and execute revenue agreements.

**Strategic Plan Alignment**      Goal 1: Safe, Healthy, and Caring Community

The work to be performed by community-based organizations under the recommended agreements is consistent with County and DHS Strategic Plan goals of creating a safe, healthy, and caring community and improving the health and community well-being. Project activities seek to empower and enable SNAP-eligible families to select healthy foods and beverages and increase physical activity through nutrition education.

| <b>Fiscal Summary - FY 13-14</b>  |   |                              |                              |
|---|---|------------------------------|------------------------------|
| <b>Expenditures</b>   |   | <b>Funding Source(s)</b>     |                              |
| Budgeted Amount   | \$ 170,873                                  | County General Fund          | \$ 0                         |
| Add Appropriations Req'd.   | \$ 0  | State/Federal                | \$ 170,873                   |
|   | \$  | Fees/Other                   | \$ 0                         |
|   | \$  | Use of Fund Balance          | \$ 0                         |
|   | \$  | Contingencies                | \$ 0                         |
|   | \$  |                              | \$                           |
| <b>Total Expenditure</b>  | <b>\$ 170,873</b>                           | <b>Total Sources</b>         | <b>\$ 170,873</b>            |
| <b>Narrative Explanation of Fiscal Impacts (If Required):</b>   |   |                              |                              |
| The FY 13-14 budget includes \$170,873 for this agreement. The \$371,077 balance will be included in future year budgets (FY 14-15 - \$183,327, FY 15-16 - \$150,750, and FY 16-17 - \$37,000). |   |                              |                              |
| <b>Staffing Impacts</b>   |   |                              |                              |
| <b>Position Title</b><br>(Payroll Classification)   | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|   |   |                              |                              |
|   |   |                              |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b>   |   |                              |                              |
| N/A   |   |                              |                              |
| <b>Attachments:</b>   |   |                              |                              |
| Agreement with Northern California Center for Well-Being  |   |                              |                              |
| <b>Related Items "On File" with the Clerk of the Board:</b>   |   |                              |                              |
| None  |   |                              |                              |

COUNTY OF SONOMA  
AGREEMENT FOR SERVICES

This agreement ("Agreement"), dated as of \_\_\_\_\_, 20\_\_\_\_\_, ("Effective Date") is by and between the County of Sonoma, a political subdivision of the State of California (hereinafter "County"), and Northern California Center for Well-Being, a non-profit corporation (hereinafter "Contractor").

RECITALS

WHEREAS, Contractor represents that it is a duly qualified non-profit, community-based organization, experienced in the design and implementation of nutrition education programs and related services; and experienced in giving technical assistance to elementary schools to support active recess implementation and related services; and

WHEREAS, in the judgment of the Sonoma County Board of Supervisors, it is necessary and desirable to employ the services of Contractor to provide education services to the SNAP-Ed-eligible population throughout Sonoma County; and it is necessary and desirable to provide technical assistance to elementary schools to support active recess implementation;

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

AGREEMENT

1. Scope of Services

1.1. Contractor's Specified Services

Contractor shall perform the services described in "Exhibit B. Scope of Work – SNAP-Ed" and "Exhibit E. Scope of Work and Budget – Active Recess", attached hereto and incorporated herein by this reference (hereinafter "Exhibit B" and "Exhibit E", respectively), within the times or by the dates provided for in Exhibit B and Exhibit E and pursuant to Article 7 (Prosecution of Work). In the event of a conflict between the body of this Agreement and either Exhibit B or Exhibit E, the provisions in the body of this Agreement shall control.

1.2. Cooperation With County

Contractor shall cooperate with County and County staff in the performance of all work hereunder.

1.3. Performance Standard

Contractor shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in Contractor's profession. County has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable Federal, State, and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver

or release. If County determines that any of Contractor's work is not in accordance with such level of competency and standard of care, County, in its sole discretion, shall have the right to do any or all of the following: (a) require Contractor to meet with County to review the quality of the work and resolve matters of concern; (b) require Contractor to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 4 (Termination); or (d) pursue any and all other remedies at law or in equity.

1.4. Assigned Personnel

- a. Contractor shall assign only competent personnel to perform work hereunder. In the event that at any time County, in its sole discretion, desires the removal of any person or persons assigned by Contractor to perform work hereunder, Contractor shall remove such person or persons immediately upon receiving written notice from County.
- b. Any and all persons identified in this Agreement or any exhibit hereto as the project manager, project team, or other professional performing work hereunder are deemed by County to be key personnel whose services were a material inducement to County to enter into this Agreement, and without whose services County would not have entered into this Agreement. Contractor shall not remove, replace, substitute, or otherwise change any key personnel without the prior written consent of County.
- c. In the event that any of Contractor's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness, or other factors outside of Contractor's control, Contractor shall be responsible for timely provision of adequately qualified replacements.

1.5. Contract Exhibits

This Agreement includes the following exhibits, where are hereby incorporated by references as though fully set forth herein:

- Exhibit A. Insurance Requirements
- Exhibit B. Scope of Work – SNAP-Ed
- Exhibit C. Budget – SNAP-Ed
- Exhibit D. Budget In-Kind – SNAP-Ed
- Exhibit E. Scope of Work and Budget – Active Recess
- Exhibit F. Budget Justification – SNAP-Ed
- Exhibit G. CDPH Special Terms and Conditions
- Exhibit H. CDPH Additional Provisions
- Exhibit I. Network Travel Reimbursement Information
- Exhibit J. Network Travel Reimbursement Information – Travel Rate Addendum
- Exhibit K. Network Travel Reimbursement Information – Mileage Addendum

2. Payment

For all services and incidental costs required hereunder, Contractor shall be paid in accordance with the following terms:



For all services and incidental costs required hereunder, Contractor shall be paid on a time-and-material/expense basis in accordance with the budgets set forth in Exhibit C for the SNAP-Ed program and Exhibit E for the Active Recess program, provided, however, that total payments to Contractor shall not exceed \$537,000 for the SNAP-Ed program and \$4,950 for the Active Recess program without the prior written approval of County. Contractor shall submit its bills in arrears on a monthly basis in a form approved by County's Auditor and the Head of County department receiving the services. The bills shall show or include: (i) the task(s) performed, (ii) the time in quarter hours devoted to the task(s), (iii) the hourly rate(s) of the person(s) performing the task(s), and (iv) copies of receipts for reimbursable materials/expenses, if any. Expenses not expressly authorized by the Agreement shall not be reimbursed.

Unless otherwise noted in this agreement, payments shall be made within the normal course of County business after presentation of an invoice in a form approved by County for services performed. Payments shall be made only upon the satisfactory completion of the services as determined by County.

Pursuant to California Revenue and Taxation Code (R&TC) Section 18662, County shall withhold seven percent of the income paid to Contractor for services performed within the State of California under this agreement for payment and reporting to the California Franchise Tax Board if Contractor does not qualify as any of the following: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.

If Contractor does not qualify, County requires that a completed and signed California Form 587 be provided by Contractor in order for payments to be made. If Contractor does qualify, then County requires a completed California Form 590. California Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in their facts. By signing either form, Contractor agrees to promptly notify County of any changes in the facts. Forms should be sent to County pursuant to Article 12 (Method and Place of Giving Notice, Submitting Bills, and Making Payments). To reduce the amount withheld, Contractor has the option to provide County with either a full or partial waiver from the State of California.

## 2.1. Federal Funding

All or part of this Agreement will be paid with Federal awards. As a pass-through entity, County is required to provide certain information regarding Federal award(s) to Contractor as a subrecipient. In signing this Agreement, Contractor acknowledges receipt of the following information regarding Federal award(s) that will be used to pay this Agreement:

- a. CFDA Title:** State Administrative Matching Grants for the Supplemental Nutrition Assistance Programs / PPHF 2012: Community Transformation Grants
- b. CFDA Number:** 10.561 / 93.737
- c. Award Name:** Supplemental Nutrition Assistance Program Education (SNAP-Ed) / Sonoma County Community Transformation Grant Program
- d. Federal Agency:** Department of Agriculture Food and Nutrition Service / Department of Health and Human Services
- e. Federal Award(s) Amount:** \$537,000 / \$4,950

As a subrecipient of Federal awards, Contractor is subject to the provisions of U.S. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations (hereinafter "OMB Circular A-133"). In signing this Agreement, Contractor acknowledges that it understands and will comply with the provisions of OMB Circular A-133. One provision of OMB Circular A-133 requires a subrecipient that expends \$500,000 in Federal awards during its fiscal year to have an audit performed in accordance with OMB Circular A-133. If such an audit is required, Contractor agrees to provide County with a copy of the audit report within 9 months of Contractor's fiscal year-end. Questions regarding OMB Circular A-133 can be directed to the Sonoma County Auditor-Controller-Treasurer-Tax Collector's Office – General Accounting Division.

2.2. Overpayment

If County overpays Contractor for any reason, Contractor agrees to return the amount of such overpayment to County, or at County's option, permit County to offset the amount of such overpayment against future payments owed to Contractor under this Agreement or any other agreement.

3. Term of Agreement

The term of this Agreement shall be from Effective Date to September 30, 2016 unless terminated earlier in accordance with the provisions of Article 4 (Termination) below.

4. Termination

4.1. Termination Without Cause

Notwithstanding any other provision of this Agreement, at any time and without cause, County shall have the right, in its sole discretion, to terminate this Agreement by giving 5 business days' advance written notice to Contractor.

4.2. Termination for Cause

Notwithstanding any other provision of this Agreement, should Contractor fail to perform any of its obligations hereunder within the time and in the manner herein provided or otherwise violate any of the terms of this Agreement, County may immediately terminate this Agreement by giving Contractor written notice of such termination, stating the reason for termination.

4.3. Delivery of Work Product and Final Payment Upon Termination

In the event of termination, Contractor, within 14 days following the date of termination, shall deliver to County all materials and work product subject to Section 9.11 (Ownership and Disclosure of Work Product), and shall submit to County an invoice showing the services performed, hours worked, and copies of receipts for reimbursable expenses up to the date of termination.

4.4. Payment Upon Termination

Upon termination of this Agreement by County, Contractor shall be entitled to receive, as full payment for all services satisfactorily rendered and expenses incurred hereunder, an amount which bears the same ratio to the total payment specified in the Agreement as the services satisfactorily rendered hereunder by Contractor bear to the total services otherwise required to be performed for such total payment; provided, however, that if services which have been satisfactorily rendered are to be paid on a per-hour or per-day basis, Contractor shall be entitled

to receive as full payment an amount equal to the number of hours or days actually worked prior to the termination times the applicable hourly or daily rate; and further provided, however, that if County terminates the Agreement for cause pursuant to Section 4.2 (Termination for Cause), County shall deduct from such amount the amount of damage, if any, sustained by County by virtue of the breach of the Agreement by Contractor.

4.5. Authority to Terminate

The Board of Supervisors has the authority to terminate this Agreement on behalf of County. In addition, the Purchasing Agent or Health Services Department Head, in consultation with County Counsel, shall have the authority to terminate this Agreement on behalf of County.

4.6. Obligations After Termination

The following shall remain in full force and effect after termination of this Agreement: (1) Article 5 (Indemnification), (2) Section 9.5 (Records Maintenance), (3) Section 9.5.1 (Right to Audit, Inspect, and Copy Records), (4) Section 9.15 (Confidentiality), and (5) Section 13.5 (Applicable Law and Forum).

4.7. Change in Funding

Contractor understands and agrees that County shall have the right to terminate this Agreement immediately upon written notice to Contractor in the event that any State and/or Federal agency and/or other funder(s) reduce, withhold, or terminate funding which County anticipated using to pay Contractor for services provided under this Agreement, or in the event that County has exhausted all funds legally available for payments due under this Agreement.

5. Indemnification

Contractor agrees to accept all responsibility for loss or damage to any person or entity, including County, and to indemnify, hold harmless, and release County, its officers, agents, and employees from and against any actions, claims, damages, liabilities, disabilities, or expenses that may be asserted by any person or entity, including Contractor, that arise out of, pertain to, or relate to Contractor's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Contractor agrees to provide a complete defense for any claim or action brought against County based upon a claim relating to such Contractor's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Contractor's obligations under this Article apply whether or not there is concurrent negligence on County's part, but to the extent required by law, excluding liability due to County's conduct. County shall have the right to select its legal counsel at Contractor's expense, subject to Contractor's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Contractor or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

6. Insurance

With respect to performance of work under this Agreement, Contractor shall maintain and shall require all of its subcontractors, contractors, and other agents to maintain insurance as described in Exhibit A – Insurance Requirements, which is attached hereto and incorporated herein by this reference.

7. Prosecution of Work

The execution of this Agreement shall constitute Contractor's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God, or by strike, lockout, or similar labor disturbances, the time for Contractor's performance of this Agreement shall be extended by a number of days equal to the number of days Contractor has been delayed.

8. Extra or Changed Work

Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules, may be executed by the Department Head in a form approved by County Counsel. The Board of Supervisors/Purchasing Agent must authorize all other extra or changed work. The parties expressly recognize that, pursuant to Sonoma County Code Sections 1-11, County personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Contractor to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work, and thereafter Contractor shall be entitled to no compensation whatsoever for the performance of such work. Contractor further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of County.

9. Representations of Contractor

9.1. Standard of Care

County has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable Federal, State, and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release.

9.2. Status of Contractor

The parties intend that Contractor, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Contractor is not to be considered an agent or employee of County and is not entitled to participate in any pension plan, workers' compensation plan, insurance, bonus, or similar benefits that County provides its employees. In the event County exercises its right to terminate this Agreement pursuant to Article 4 (Termination), Contractor expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3. No Suspension or Debarment

Contractor warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any Federal department or agency. Contractor also warrants that it is not suspended or debarred from

receiving Federal funds as listed in the "List of Parties Excluded from Federal Procurement or Nonprocurement Programs" issued by the General Services Administration. If Contractor becomes debarred, Contractor has the obligation to inform County.

9.4. Taxes

Contractor agrees to file Federal and State tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement, and shall be solely liable and responsible to pay such taxes and other obligations, including but not limited to State and Federal income and FICA taxes. Contractor agrees to indemnify and hold County harmless from any liability which it may incur to the United States or to the State of California as a consequence of Contractor's failure to pay, when due, all such taxes and obligations. In case County is audited for compliance regarding any withholding or other applicable taxes, Contractor agrees to furnish County with proof of payment of taxes on these earnings.

9.5. Records Maintenance

Contractor shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement, and shall make such documents and records available to County for inspection at any reasonable time. Contractor shall maintain such records for a period of 7 years following completion of work hereunder.

9.5.1. Right to Audit, Inspect, and Copy Records

Contractor agrees to permit County and any authorized State or Federal agency to audit, inspect, and copy all records, notes, and writings of any kind in connection with the services provided by Contractor under this Agreement, to the extent permitted by law, for the purpose of monitoring the quality and quantity of services, monitoring the accessibility and appropriateness of services, and ensuring fiscal accountability. All such audits, inspections, and copying shall occur during normal business hours. Upon request, Contractor shall supply copies of any and all such records to County. Failure to provide the above-noted documents requested by County within the requested time frame indicated may result in County withholding payments due under this Agreement. In those situations required by applicable law(s), Contractor agrees to obtain necessary releases to permit County or governmental or accrediting agencies to access patient medical records.

9.6. Conflict of Interest

Contractor covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under State law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Contractor further covenants that in the performance of this Agreement, no person having any such interests shall be employed. In addition, if requested to do so by County, Contractor shall complete and file and shall require any other person doing work under this Agreement to complete and file a "Statement of Economic Interest" with County disclosing Contractor's or such other person's financial interests.

9.7. Statutory Compliance

Contractor agrees to comply with all applicable Federal, State, and local laws, regulations, statutes, and policies applicable to the services provided under this Agreement as they exist now and as they are changed, amended, or modified during the term of this Agreement.

9.8. Nondiscrimination

Without limiting any other provision hereunder, Contractor shall comply with all applicable Federal, State, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation, or other prohibited basis, including without limitation County's Nondiscrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.9. AIDS Discrimination

Contractor agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

9.10. Assignment of Rights

Contractor assigns to County all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, and right to ideas in and to all versions of the plans and specifications, if any, now or later, prepared by Contractor in connection with this Agreement. Contractor agrees to take such actions as are necessary to protect the rights assigned to County in this Agreement, and to refrain from taking any action which would impair those rights. Contractor's responsibilities under this provision include, but are not limited to, placing proper notice of copyright on all versions of the plans and specifications as County may direct, and refraining from disclosing any versions of the plans and specifications to any third party without first obtaining written permission of County. Contractor shall not use or permit another party to use the plans and specifications in connection with this or any other project without first obtaining written permission of County.

9.11. Ownership and Disclosure of Work Product

All reports, original drawings, graphics, plans, studies, and other data or documents ("documents"), in whatever form or format, assembled or prepared by Contractor or Contractor's subcontractors, contractors, and other agents in connection with this Agreement, shall be the property of County. County shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Contractor shall promptly deliver to County all such documents which have not already been provided to County in such form or format as County deems appropriate. Such documents shall be and will remain the property of County without restriction or limitation. Contractor may retain copies of the above-described documents, but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of County.

9.12. Authority

The undersigned hereby represents and warrants that he or she has authority to execute and deliver this Agreement on behalf of Contractor.

9.13. Sanctioned Employee

Contractor agrees that it shall not employ in any capacity, or retain as a subcontractor in any capacity, any individual or entity that is listed on any list published by the Federal Office of Inspector General regarding the sanctioning, suspension, or exclusion of individuals or entities from the Federal Medicare and Medicaid programs. Contractor agrees to periodically review said State and Federal lists to confirm the status of current employees, subcontractors, and contractors. In the event Contractor does employ such individual(s) or entity(ies), Contractor agrees to assume full liability for any associated penalties, sanctions, loss, or damage that may be imposed on County by the Medicare or Medicaid programs.

9.14. Compliance with County Policies and Procedures

Contractor agrees to comply with all County policies and procedures as they may relate to services provided hereunder.

9.15. Confidentiality

Contractor agrees to maintain the confidentiality of all patient medical records and client information in accordance with all applicable State and Federal laws and regulations. This Section 9.15 shall survive termination of this Agreement.

9.16. Contractor Notification of Breach

County receives funding for nutrition-education services to SNAP-Ed-eligible population from the State Department of Public Health pursuant to Grant Agreement No. 13-20506 (hereinafter "State Contract"). The State Contract contains certain requirements pertaining to the privacy and security of personally identifiable information (hereinafter "PII") and/or protected health information (hereinafter "PHI"), and requires that County contractually obligate any of its subcontractors to also comply with these requirements.

9.16.1. The State Contract requires County to notify the State of any breach of privacy and/or security of personal identifiable information (PII) and/or protected health information (PHI). Contractor shall, immediately upon discovery of a breach of privacy and/or security of PII and/or PHI by Contractor, notify County of such breach by telephone and either email or facsimile.

9.16.2. In the event the State Contract requires County to pay any costs associated with a breach of privacy and/or security of PII and/or PHI, including but not limited to the costs of notification, Contractor shall pay on County's behalf any and all such costs arising out of a breach of privacy and/or security of PII and/or PHI by Contractor.

10. Demand for Assurance

Each party to this Agreement undertakes the obligation that the other party's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other party may in writing demand adequate assurance of due performance, and until such assurance is received may, if commercially

reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding 30 days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article limits County's right to terminate this Agreement pursuant to Article 4 (Termination).

11. Assignment and Delegation

Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other party, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.

12. Method and Place of Giving Notice, Submitting Bills, and Making Payments

All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. mail or courier service. Notices, bills, and payments shall be addressed as follows:

TO COUNTY:

Kristin Fladseth  
Healthy Policy, Planning, and Evaluation Division  
County of Sonoma – Department of Health Services  
490 Mendocino Avenue, Suite 202  
Santa Rosa CA 94928  
kristin.fladseth@sonoma-county.org  
707.565.6616

TO CONTRACTOR:

Lance Goller  
Northern California Center for Well-Being  
365 B Tesconi Circle  
Santa Rosa CA 95403  
info@nccwb.org  
707-565-6043

When a notice, bill, or payment is given by a generally recognized overnight courier service, the notice, bill, or payment shall be deemed received on the next business day. When a copy of a notice, bill, or payment is sent by facsimile or email, the notice, bill, or payment shall be deemed received upon transmission as long as: (1) the original copy of the notice, bill, or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date); (2) the sender has a written confirmation of the facsimile transmission or email; and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills, and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this Article 12.



13. Miscellaneous Provisions

13.1. No Waiver of Breach

The waiver by County of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement.

13.2. Construction

To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Contractor and County acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other party. Contractor and County acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

13.3. Consent

Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

13.4. No Third-Party Beneficiaries

Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13.5. Applicable Law and Forum

This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the city of Santa Rosa in the County of Sonoma.

13.6. Captions

The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

13.7. Merger

This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

13.8. Survival of Terms

All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.

13.9. SNAP-Ed Grant Contract Documents

Contractor agrees to comply with the California Department of Public Health (CDPH) provisions for the SNAP-Ed Grant, Special Terms and Conditions ("Exhibit G"), Additional Provisions ("Exhibit H"), and Travel Reimbursement Information ("Exhibits I–K"). Any questions relating to the provisions should be directed to County.

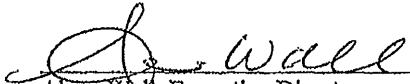
13.10. Time of Essence

Time is and shall be of the essence of this Agreement and every provision hereof.

§ The remainder of this page has intentionally been left blank. §

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CONTRACTOR:

  
\_\_\_\_\_  
Alena Wall, Executive Director  
Northern California Center for Well-Being

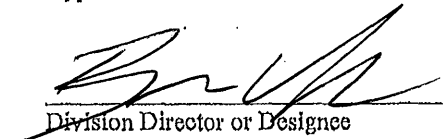
11/6/13  
Dated

COUNTY OF SONOMA:  
Certificate of Insurance on File with County:

\_\_\_\_\_  
Rita Scardaci, MPH, Director  
Department of Health Services

\_\_\_\_\_  
Dated

Approved as to Substance:

  
\_\_\_\_\_  
Division Director or Designee

11/5/13  
Dated

Approved as to Form:

\_\_\_\_\_  
Sonoma County Counsel

\_\_\_\_\_  
Dated

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## **Exhibit A. Insurance Requirements**

(Template 3)

With respect to performance of work under this Agreement, Contractor shall maintain and shall require all of its subcontractors, contractors, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a **Waiver of Insurance Requirements**. Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.

County reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or failure to identify any insurance deficiency shall not relieve Contractor from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

### 1. Workers' Compensation and Employer's Liability Insurance

- a. Required if Contractor has employees.
- b. Workers' Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employer's Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- d. **Required Evidence of Insurance:** Certificate of Insurance.
- e. If Contractor currently has no employees, Contractor agrees to obtain the above-specified Workers' Compensation and Employer's Liability insurance should any employees be engaged during the term of this Agreement or any extensions of the term.

### 2. General Liability Insurance

- a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) Form CG 00 01.
- b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Umbrella Liability Insurance. If Contractor maintains higher limits than the specified minimum limits, County requires and shall be entitled to coverage for the higher limits maintained by Contractor.
- c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000, it must be approved in advance by County. Contractor is responsible for any deductible or self-insured retention and shall fund it upon County's written request, regardless of whether Contractor has a claim against the insurance or is named as a party in any action involving the County.

- 
- d. **County of Sonoma, its Officers, Agents, and Employees** shall be additional insureds for liability arising out of operations by or on behalf of the Contractor in the performance of this Agreement.
  - e. The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
  - f. The policy definition of "insured contract" shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad-form contractual liability coverage, including the "f" definition of insured contract in ISO Form CG 00 01, or equivalent).
  - g. The policy shall cover inter-insured suits between the additional insureds and Contractor and include a "separation of insureds" or "severability" clause which treats each insured separately.
  - h. **Required Evidence of Insurance**
    - i. Copy of the additional insured endorsement or policy language granting additional insured status; and
    - ii. Certificate of Insurance.
3. Automobile Liability Insurance
- a. Minimum Limits: \$1,000,000 combined single limit per accident.
  - b. Insurance shall apply to all owned autos. If Contractor currently owns no autos, Contractor agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.
  - c. Insurance shall apply to hired and non-owned autos.
  - d. **Required Evidence of Insurance:** Certificate of Insurance.
4. Standards for Insurance Companies
- Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.
5. Documentation
- a. All required Evidence of Insurance shall be submitted prior to the execution of this Agreement. Contractor agrees to maintain current Evidence of Insurance on file with County for the entire term of this Agreement and any additional periods if specified in this exhibit's Sections 1, 2, or 3.
  - b. The name and address for **Additional Insured** endorsements and Certificates of Insurance is:  
  
**County of Sonoma (DHS)  
Contract & Board Item Development Unit  
3313 Chanate Road  
Santa Rosa CA 95404**
-

- c. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists at least 10 days before expiration or other termination of the existing policy.
- d. Contractor shall provide immediate written notice if: (1) any of the required insurance policies are terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
- e. Upon written request, certified copies of required insurance policies must be provided within 30 days.

6. Policy Obligations

Contractor's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

7. Material Breach

If Contractor fails to maintain insurance which is required pursuant to this Agreement, this failure shall be deemed a material breach of this Agreement. County, at its sole option, may terminate this Agreement and obtain damages from Contractor resulting from said breach. Alternatively, County may purchase the required insurance, and without further notice to Contractor, County may deduct from sums due to Contractor any premium costs advanced by County for such insurance. These remedies shall be in addition to any other remedies available to County.

**Exhibit B. Scope of Work – SNAP-Ed**

**Objective 1: SNAP-Ed Meetings**

**GOAL 1:** The target population (Supplemental Nutrition Assistance Program-Education (SNAP-Ed)/Nutrition Education and Obesity Prevention (NEOP) participants and those eligible up to 185% Federal Poverty Level (FPL)) is empowered and enabled to select healthy foods and beverages and increase physical activity through nutrition education, social marketing and environmental supports.

**OBJECTIVE 1 (SNAP-Ed Meetings):** Attend local, regional and/or state SNAP-Ed meetings, conferences, trainings, and workshops to aid in implementation and evaluation of nutrition education and obesity prevention strategies for low-income households.

| <b>Objective 1: SNAP-Ed Meetings<br/>(December, 2013 – September 30, 2016)</b>   |   |  |                  |
|--|---|--|------------------|
| <b>Activities</b>  | <b>Responsible Party</b>                                    | <b>Deliverables</b>                              | <b>Timeframe</b> |
| 1. Attend quarterly County Nutrition Action Plan (C-NAP) Workgroup meetings to help coordinate USDA food program interventions and efforts to increase food security in the target population by: <ul style="list-style-type: none"> <li>a) Building on existing State or County nutrition action or obesity plans.</li> <li>b) Coordinating nutrition education messages with CalFresh outreach efforts throughout the county for the various USDA food programs; CalFresh, WIC, EFAP, Summer meals, Child and Adult Care Food Program (CACFP), school breakfast and lunch programs.</li> <li>c) Identifying existing resources and assets of organizations in the county that promote the C-NAP priorities.</li> <li>d) Applying public health approaches to identify, track, and promote existing policies in the county related to access to healthy foods and beverages and physical activity.</li> <li>e) Collecting and providing process and outcome evaluation information to the C-NAP</li> <li>f) Applying multi-level approaches to advance and market a minimum of one nutrition and obesity prevention intervention annually as it relates to C-NAP.</li> </ul> <p style="text-align: right;"><i>(DHS Objective 2, Activity 2)</i></p> | Registered Dietician<br><br>Project Coordinator (as needed) | Meeting agendas<br><br>Record of participation   | 12/2013-9/2016   |
| 2. Attend relevant project and coalition/collaborative meetings to implement the County of Sonoma’s Department of Health Services (DHS) SNAP-Ed scopes of work. <ul style="list-style-type: none"> <li>• SNAP-Ed Fiscal Orientation (once annually)</li> <li>• Quarterly SNAP-Ed Team Meeting (Mar, June, Sep, Dec)</li> <li>• Quarterly CNAP Workgroup (Feb, May, Aug, Nov)</li> </ul>  | Registered Dietician<br><br>Project                         | Copies of agendas<br><br>Record of participation | 12/2013-9/2016   |

| Objective 1: SNAP-Ed Meetings<br>(December, 2013 – September 30, 2016)   |  |  |                      |
|--|--|--|----------------------|
| Activities   | Responsible Party  | Deliverables   | Timeframe            |
| <ul style="list-style-type: none"> <li>SNAP-Ed Nutrition Education Team Meeting (Jan, Feb, Apr, May, July, Aug, Oct, Nov)</li> </ul> <p style="text-align: right;"><i>(DHS Objective 1, Activity 7)</i></p>  | Coordinator<br>Administrator<br>Nutrition Aide                                 |  |                      |
| 3. Attend required Network-sponsored meetings, trainings, workshops, and conferences that may include the following: Community Engagement trainings, Regional Network Collaborative meetings, Rethink Your Drink Trainings, nutrition education trainings, <i>Network</i> -sponsored state and/or regional trainings; other non- <i>Network</i> sponsored trainings that have been pre-approved by DHS staff.  | Registered Dietician<br>Project Coordinator<br>Nutrition Aide                  | Copies of agendas<br>Record of participation   | 12/2013-<br>9/2016   |
| 4. Participate in local, regional and state evaluation and reporting activities for all objectives, as needed, and provide a quarterly progress report to DHS staff.   | Registered Dietician<br>Administrator  | Progress Report<br>ATF Cards (for direct education, indirect education, and other types) | 12/2013-<br>9/2016   |
| 5. Work with SNAP-Ed Team to host a county health forum to address primary prevention of diseases through healthier eating patterns and more physical activity. Recruit community leaders and members to participate in the forum from school, after schools, worksites, CalFresh and WIC offices, faith-based channels, etc. Some strategies may include: <ul style="list-style-type: none"> <li>Identify health disparities in communities related to nutrition and physical activity barriers and propose solutions</li> <li>Increase awareness of existing food policies in qualifying neighborhoods</li> <li>Use CX3 assessment findings to promote the need for farmers markets to increase access to fresh fruits and vegetables; increase healthy food availability in corner stores; increase healthier options at local worksites, schools and churches, and increase access to physical activity opportunities in qualifying</li> </ul> | Registered Dietician<br>Project Coordinator<br>Administrator<br>Nutrition Aide | Flyers<br>Agenda<br>Summary of meeting results   | 10/2014 –<br>03/2015 |



| Objective 1: SNAP-Ed Meetings<br>(December, 2013 – September 30, 2016)  |                      |                     |                |
|---|----------------------|---------------------|----------------|
| Activities  | Responsible Party    | Deliverables        | Timeframe      |
| neighborhoods.<br><i>(DHS Objective 5, Activity 3)</i>  |                      |                     |                |
| 6. Use the United States Department of Agriculture (USDA) regulations and guidelines to ensure all activities are allowable and appropriately documented.<br><a href="http://snap.nal.usda.gov/snap/Guidance/FY2014SNAP-EdGuidance.pdf">http://snap.nal.usda.gov/snap/Guidance/FY2014SNAP-EdGuidance.pdf</a><br><i>(DHS Objective 1, Activity 4)</i>  | Registered Dietician | Documents (on file) | 12/2013-9/2016 |
| 7. Comply with the Network Guideline Manual and Program Letter updates.<br><a href="http://www.cdph.ca.gov/programs/cpns/Pages/GuidelinesManual.aspx">http://www.cdph.ca.gov/programs/cpns/Pages/GuidelinesManual.aspx</a><br><a href="http://www.cdph.ca.gov/programs/cpns/Pages/ProgramLetters.aspx">http://www.cdph.ca.gov/programs/cpns/Pages/ProgramLetters.aspx</a><br><i>(DHS Objective 1, Activity 4)</i> | Registered Dietician | Documents (on file) | 12/2013-9/2016 |

**Objective 2: Nutrition Education Single Sessions**

**GOAL 1:** The target population (Supplemental Nutrition Assistance Program-Education (SNAP-Ed)/Nutrition Education and Obesity Prevention (NEOP) participants and those eligible up to 185% Federal Poverty Level (FPL)) is empowered and enabled to select healthy foods and beverages and increase physical activity through nutrition education, social marketing and environmental supports.

**OBJECTIVE 2 (Nutrition Education Single Sessions):** Annually, unduplicated SNAP-Ed-eligible individuals in the community will participate in evidence-based nutrition-education classes designed to increase consumption of healthy foods and improve self-efficacy to promote change at the individual, family and organizational level.

| Objective 2: Nutrition Education Single Sessions<br>(December 2013 – September 30, 2016)  |   |   |                         |
|---|---|---|-------------------------|
| Activities  | Responsible Party   | Deliverables                              | Timeframe               |
| 1) Assess the attitudes, knowledge, beliefs and skills related to nutrition education and develop a plan of action. Specifically focused on increasing the access and consumption of healthy foods, Harvest of the Month, MyPlate, the 2010 Dietary Guidelines for Americans (DGAs), and the needs of the target population.<br><br><i>(DHS Objective 6, Activity 1)</i>  | Registered Dietician<br><br>Peer Educators                            | Results of the Assessment, Plan of Action | Annually<br><br>Oct-Dec |
| 2) Partner with SNAP-Ed nutrition education partner(s) to select Network-approved nutrition education lesson plans and materials. Activities include, but are not limited to the following: <ul style="list-style-type: none"> <li>Identify nutrition education lesson plans and educational materials. Each class must include skill-based lessons/activities, such as cooking activities, label reading etc. and use <i>Network</i>-approved lesson plans and materials and follow 2010 Dietary Guidelines.</li> <li>Prepare for conducting classes using Network-approved materials. The same lesson can be taught at multiple sites. Preparations may include: organizing materials, selecting/developing class assessment survey, and purchasing food samples.</li> </ul><br><i>(Note: Prior to use and distribution, all selected nutrition education materials and lesson plans must be on the approved Network list. DHS staff will coordinate the approval process of the materials and will purchase educational materials, displays/models, and equipment for all contractors. DHS will also provide duplication and printing of</i> | Project Coordinator<br><br>Registered Dietician<br><br>Nutrition Aide | Copies of lesson plans                    | Annually<br><br>Oct-Dec |

| Objective 2: Nutrition Education Single Sessions<br>(December 2013 – September 30, 2016)  |   |   |                |
|---|---|---|----------------|
| Activities  | Responsible Party   | Deliverables  | Timeframe      |
| <i>materials, as needed.)</i><br><br><i>(DHS Objective 6, Activity 2)</i>   |   |   |                |
| 3) Attend relevant nutrition education workshops, as needed, including the training for <i>Network Toolbox for Community Educators</i> ( <a href="http://www.network-toolbox.cdph.ca.gov/en/index.asp">http://www.network-toolbox.cdph.ca.gov/en/index.asp</a> ), if used.<br><br><i>(DHS Objective 6, Activity 3)</i>  | Project Coordinator   | Copies of agendas<br><br>Record of participation  | 12/2013-9/2016 |
| 4) Recruit participants through Champion Moms, Community-Based Organizations (CBOs), CalFresh offices, schools, WIC or other C-NAP partners to increase participation in classes. Recruit ethnic minorities, (Latinos, African Americans, Native Americans and Asian Pacific Islanders) with health disparities to attend classes that are linguistically and culturally appropriate.<br><br><i>(DHS Objective 6, Activity 4)</i>   | Project Coordinator   | Documentation of recruitment efforts (e.g. communication logs, Network-approved fliers)                               | 12/2013-9/2016 |
| 5) Partner with SNAP-Ed nutrition education partner(s) to train staff, peer educators, and/or community workers/liaisons to conduct nutrition education sessions.<br><br><i>(DHS Objective 6, Activity 3)</i>   | Project Coordinator<br><br>Registered Dietician   | Training agenda<br><br>List of materials discussed  | 12/2013-9/2016 |
| 6) For each federal fiscal year (FFY), conduct single-session direct nutrition education lessons (at least 15 minutes each) at SNAP-Ed qualifying sites to reach the following number of unduplicated SNAP-Ed eligible adults, at minimum:<br><br><ul style="list-style-type: none"> <li>• FFY 2014: <u>254</u> 15-minutes sessions at <u>84</u> sites, reaching <u>2286</u> adults</li> <li>• FFY 2015: <u>93</u> 15-minutes sessions at <u>44</u> sites, reaching <u>837</u> adults</li> <li>• FFY 2016: <u>75</u> 15-minutes sessions at <u>37</u> sites, reaching <u>678</u> adults</li> </ul> Sites must include Roseland, Roseland Creek, Sheppard, and Guerneville Elementary Schools and all after school sites (selected by After-School Contractor). At least 2 single- | Project Coordinator<br><br>Registered Dietician<br><br>Nutrition Aide<br><br>Peer Educators | Participant data cards<br><br>Documentation of recruitment efforts (e.g. communication logs, Network-approved fliers) | 12/2013-9/2016 |

| <b>Objective 2: Nutrition Education Single Sessions<br/>(December 2013 – September 30, 2016)</b>   |   |   |                  |
|--|---|---|------------------|
| <b>Activities</b>  | <b>Responsible Party</b>                        | <b>Deliverables</b>   | <b>Timeframe</b> |
| <p>session direct nutrition education lessons (at least 15 minutes each) must be provided at each of these sites. Assistance must also be provided to schools and after school sties to recruit parents of students, particularly those in grades 2-5.</p> <p><i>(Note: Nutrition education sites may be added or removed from the means tested, non-means tested and qualifying school sites list with approval from DHS staff. All new sites must meet Network qualifications for site selection and no nutrition education sessions may be conducted at new sites until approval has been obtained from DHS staff.)</i></p> <p style="text-align: right;"><i>(DHS Objective 6, Activity 5)</i></p>  | (volunteers)                                    |   |                  |
| <p>7) Partner with the CX3 contractor(s) and staff to plan a community forum/town hall meeting in each of the following neighborhoods, conducting a single direct nutrition education session (at least 15 minutes) at each forum:</p> <ul style="list-style-type: none"> <li>• Boyes Hot Springs (Sonoma Valley)</li> <li>• Roseland (Santa Rosa)</li> <li>• Kawana Springs/South Park (Santa Rosa)</li> <li>• Two additional neighborhoods (TBD)</li> </ul> <p>Nutrition education sessions must reach at least <b>100</b> unduplicated SNAP-Ed eligible adult (cumulative) who live in the neighborhoods. As feasible, align nutrition education session topic with forum/town hall focus.</p> <p style="text-align: right;"><i>(DHS Objective 4, Activity 1 &amp; Objective 6, Activity 5)</i></p> | Project Coordinator<br><br>Registered Dietician | Participant data cards  | 10/2015–03/2016  |
| <p>8) Conduct quality assurance of 15-minutes nutrition education lessons, such as class assessment surveys or site visits/observations.</p> <p style="text-align: right;"><i>(DHS Objective 6, Activity 5)</i></p>  | Registered Dietician                            | Summary report of visits/ observations, survey results, and planned changes as a result of findings | 12/2013-9/2016   |

**Objective 3: Community Events**

**GOAL 1:** The target population (Supplemental Nutrition Assistance Program-Education (SNAP-Ed)/Nutrition Education and Obesity Prevention (NEOP) participants and those eligible up to 185% Federal Poverty Level (FPL)) is empowered and enabled to select healthy foods and beverages and increase physical activity through nutrition education, social marketing and environmental supports.

**OBJECTIVE 3 (Community Events):** Annually, participate in community events to reach SNAP-Ed-eligible adults with indirect nutrition education promoting healthy foods and beverages and physical activity and invite local media outlets to highlight at least of these events.

| <b>Objective 3: Community Events<br/>(December 2013 – September 30, 2016)</b>   |  |   |                       |
|---|--|---|-----------------------|
| <b>Activities</b>   | <b>Responsible Party</b>   | <b>Deliverables</b>   | <b>Timeframe</b>      |
| <p>1) Annually, partner with SNAP-Ed nutrition education partner(s) to select Network-approved nutrition education materials for indirect nutrition education at community booths, exhibits, displays or tables. Activities include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>Identify Network-approved nutrition educational materials that align with agreed upon key messages (e.g., MyPlate, Harvest of the Month).</li> <li>Train staff, peer educators and/ community workers/liaisons to provide indirect nutrition education information at community booths, exhibits, displays or tables.</li> </ul> <p><i>(Note: Prior to use and distribution, all selected nutrition education materials and lesson plans must be on the approved Network list. DHS staff will coordinate the approval process of the materials and will purchase educational materials, displays/models, and equipment for all contractors. DHS will also provide duplication and printing of materials, as needed.)</i></p> <p align="right"><i>(DHS Objective 6, Activity 2)</i></p> | <p>Registered Dietician</p><br><br><br><p>Project Coordinator</p>                    | <p>Training agendas</p><br><br><p>List of training materials used in activities</p><br><br><p>Network-approved lesson plans</p> | <p>12/2013-9/2016</p> |
| <p>2) Annually, host Nutrition Education booth, exhibit, display or table for adults at Wednesday Night Market, Sonoma County Fair, and other qualifying community events to reach unduplicated SNAP-Ed eligible adults with indirect nutrition education, as follows:</p> <ul style="list-style-type: none"> <li>FFY 2014: <u>23</u> events at <u>15</u> sites, reaching <u>2800</u> adults</li> <li>FFY 2015: <u>23</u> events at <u>15</u> sites, reaching <u>2800</u> adults</li> </ul>   | <p>Project Coordinator</p><br><br><p>Nutrition Aide</p><br><br><p>Peer Educators</p> | <p>Flyers</p><br><br><p>Photos</p><br><br><p>ATF/EARS</p>   | <p>12/2013-9/2016</p> |

| Objective 3: Community Events<br>(December 2013 – September 30, 2016)   |   |   |                |
|---|---|---|----------------|
| Activities  | Responsible Party                               | Deliverables  | Timeframe      |
| <ul style="list-style-type: none"> <li>FFY 2016: <u>21</u> events at <u>13</u> sites, reaching <u>2600</u> adults</li> </ul> <p>Reference the Community Events Manual as a guide:<br/> <a href="http://www.cdph.ca.gov/programs/cpns/Documents/Network-FV-AA-KIT632.pdf">www.cdph.ca.gov/programs/cpns/Documents/Network-FV-AA-KIT632.pdf</a></p> <p style="text-align: right;"><i>(DHS Objective 7, Activity 1)</i></p>  | (volunteers)                                    |   |                |
| <p>3) Each year, partner with SNAP-Ed Team to identify minimum of <u>two</u> Network-sponsored nutrition education obesity prevention promotional events at which to conduct nutrition education, which may include:</p> <ul style="list-style-type: none"> <li>Fruit and Veggie Fest</li> <li>Latino Health Awareness Month</li> <li>Food Day</li> <li>Promotion of Food and Nutrition Services (FNS) such as CalFresh or Summer Lunch events</li> <li>Or other Network-approved promotion</li> </ul> <p style="text-align: right;"><i>(DHS Objective 7, Activity 1)</i></p> | Project Coordinator                             | List of coordinated events  | 12/2013-9/2016 |
| <p>4) Each year, provide local support for the minimum of <u>two</u> Network media-related efforts. Activities may include:</p> <ul style="list-style-type: none"> <li>Participation in launch event</li> <li>Serving as local spokesperson</li> <li>Providing comment and feedback on media-related materials</li> <li>Participating on relevant workgroups</li> <li>Collaborate with partners when planning promotion events</li> </ul> <p style="text-align: right;"><i>(DHS Objective 7, Activity 2)</i></p>  | Project Coordinator<br><br>Registered Dietician | Log or list of support activities provided for events             | 12/2013-9/2016 |
| <p>5) Each year, partner with SNAP-Ed Team to prepare for each of <u>two</u> Network-sponsored nutrition events by:</p> <ul style="list-style-type: none"> <li>Identifying target audience</li> <li>Organizing materials and intervention strategies to be used</li> <li>Training staff</li> </ul>  | Project Coordinator<br><br>Registered Dietician | Event planning outline<br><br>Samples of organizing and promotion | 12/2013-9/2016 |

| Objective 3: Community Events<br>(December 2013 – September 30, 2016)  |                   |   |           |
|--|-------------------|---|-----------|
| Activities   | Responsible Party | Deliverables  | Timeframe |
| <ul style="list-style-type: none"> <li>Selecting Network Research and Evaluation Section (RES)-approved method of event evaluation</li> <li>Promotion methods of event such as use of flyers and update of webpage</li> </ul> <p style="text-align: right;"><i>(DHS Objective 7, Activity 3)</i></p> |                   | materials (e.g., flyer, website)<br><br>Training sign in sheets<br><br>Evaluation summary |           |

**Objective 4: Peer Educators**

**GOAL 1:** The target population (Supplemental Nutrition Assistance Program-Education (SNAP-Ed)/Nutrition Education and Obesity Prevention (NEOP) participants and those eligible up to 185% Federal Poverty Level (FPL)) is empowered and enabled to select healthy foods and beverages and increase physical activity through nutrition education, social marketing and environmental supports.

**OBJECTIVE 4 (Peer Educators):** Annually, recruit and train Peer Educators from the SNAP-Ed-eligible community to provide peers with multi-session nutrition education series, promoting food security as well as individual, family and organizational changes.

| <b>Objective 4: Peer Educators<br/>(December 2013 – September 30, 2016)</b>   |                          |                                      |                  |
|---|--------------------------|--------------------------------------|------------------|
| <b>Activities</b>   | <b>Responsible Party</b> | <b>Deliverables</b>                  | <b>Timeframe</b> |
| 1) Recruit following number of SNAP-Ed eligible members from the community to be trained as peer educators (e.g., Promotoras) in order to conduct direct and indirect nutrition education lessons: <ul style="list-style-type: none"> <li>• FFY 2014: <u>  20  </u></li> <li>• FFY 2015: <u>  10  </u></li> <li>• FFY 2016: <u>   7  </u></li> </ul> Target ethnic specific minorities with health disparities identified in the Local Health Department Infrastructure Assessment. Possible sites of recruitment include, but are not limited to the following: <ul style="list-style-type: none"> <li>• Skill-based nutrition education/obesity prevention series classes</li> <li>• CBO participants</li> <li>• CalFresh offices</li> <li>• CNAP partners</li> <li>• Community based health centers</li> <li>• Faith-based organizations</li> <li>• Parents at early childcare sites, and School/afterschool sites.</li> </ul> <p style="text-align: right;"><i>(DHS Objective 10, Activity 1)</i></p> | Project Coordinator      | Documentation of recruitment efforts | 12/2013-9/2016   |
| 2) Participate in all required Network trainings related to Peer-to-Peer Education. <p style="text-align: right;"><i>(DHS Objective 10, Activity 2 &amp; Objective 1, Activity 3)</i></p>   | Project Coordinator      | Agendas                              | 12/2013-9/2016   |
| 3) Annually, Project Coordinator and <u>  3  </u> Peer Educator(s) will attend, in person, a one-to two-day training provided by the <i>Network</i> . The training will share different peer-   | Project                  | Training agenda                      | 12/2013-         |



| Objective 4: Peer Educators<br>(December 2013 – September 30, 2016)  |   |   |                |
|--|---|---|----------------|
| Activities   | Responsible Party   | Deliverables                              | Timeframe      |
| to-peer models and best practices.<br><br><i>(DHS Objective 10, Activity 3)</i>  | Coordinator<br><br>Peer Educators                                     |   | 9/2016         |
| 4) In coordination with SNAP-Ed nutrition education partner(s) and evaluator, annually assess the attitudes, knowledge, beliefs and skills of teens and adults at the sites listed in Activities 11-14 below. Use the information to develop a plan of action related to direct nutrition education curriculum selection. Specifically focused on the following:<br><ul style="list-style-type: none"> <li>Increasing the access and consumption of healthy foods</li> <li>2010 Dietary Guidelines for Americans<br/><a href="http://www.cnpp.usda.gov/DGAs2010-PolicyDocument.htm">www.cnpp.usda.gov/DGAs2010-PolicyDocument.htm</a></li> <li>Needs of the target population</li> </ul> <i>(DHS Objective 6, Activity 1)</i>  | Registered Dietician<br><br>Project Coordinator                       | Results of the Assessment, Plan of Action | 12/2013-9/2016 |
| 5) Annually, partner with SNAP-Ed nutrition education partner(s) to select Network-approved nutrition education lesson plans and materials. Activities include, but are not limited to the following:<br><ul style="list-style-type: none"> <li>Identify nutrition education lesson plans and educational materials. Each class must include skill-based lessons/activities, such as cooking activities, label reading etc. and use <i>Network</i>-approved lesson plans and materials and follow 2010 Dietary Guidelines.</li> <li>Prepare for conducting classes using Network-approved materials. The same lesson can be taught at multiple sites. Preparations may include: organizing materials, selecting/developing class assessment survey, and purchasing food samples.</li> </ul><br><i>(Note: Prior to use and distribution, all selected nutrition education materials and lesson plans must be on the approved Network list. DHS staff will coordinate the approval process of the materials and will purchase educational materials, displays/models, and equipment for all contractors. DHS will also provide duplication and printing of</i> | Registered Dietician<br><br>Project Coordinator<br><br>Nutrition Aide | Copies of lesson plans                    | 12/2013-9/2016 |

| Objective 4: Peer Educators<br>(December 2013 – September 30, 2016)  |  |   |                       |
|--|--|---|-----------------------|
| Activities   | Responsible Party                                      | Deliverables  | Timeframe             |
| <p><i>materials, as needed.)</i></p> <p style="text-align: center;"><i>(DHS Objective 6, Activity 2)</i></p>   |  |   |                       |
| <p>6) Annually, attend nutrition education train-the-trainer workshops relevant to conducting multi-session nutrition education classes for adults and in-class nutrition education lessons for children (grades 2-5). Trainings include the following:</p> <ul style="list-style-type: none"> <li>• Network Toolbox for Community Educators<br/><a href="http://www.network-toolbox.cdph.ca.gov/en/index.asp">www.network-toolbox.cdph.ca.gov/en/index.asp</a></li> <li>• Harvest of the Month<br/><a href="http://www.harvestofthemonth.cdph.ca.gov">www.harvestofthemonth.cdph.ca.gov</a></li> <li>• Rethink Your Drink<br/><a href="http://www.cdph.ca.gov/programs/cpns/Pages/RethinkYourDrink.aspx">www.cdph.ca.gov/programs/cpns/Pages/RethinkYourDrink.aspx</a></li> <li>• MyPlate<br/><a href="http://www.choosemyplate.gov/">www.choosemyplate.gov/</a></li> <li>• Serving Up My Plate: A Yummy Curriculum (grades 1<sup>st</sup>-6<sup>th</sup>)<br/><a href="http://teamnutrition.usda.gov/Resources/servingupmyplate.htm">http://teamnutrition.usda.gov/Resources/servingupmyplate.htm</a></li> </ul> <p>Additional Trainings may include:</p> <ul style="list-style-type: none"> <li>• Balance My Day Curriculum<br/><a href="http://www.healthykidschallenge.com/products/3-5-nutrition-curriculum">www.healthykidschallenge.com/products/3-5-nutrition-curriculum</a></li> <li>• bSafe and bFit Program for Kids<br/><a href="http://www.bsafefit.com">www.bsafefit.com</a></li> <li>• Project Food, Land and People: Resources for Learning Lessons (grades<br/><a href="http://www.foodlandpeople.org">www.foodlandpeople.org</a></li> <li>• Network for a Healthy California: Tools for Learning, Fuel for Moving<br/><a href="http://alturl.com/acz3d">http://alturl.com/acz3d</a></li> <li>• CA Foundation for Agriculture in the Classroom<br/><a href="http://www.cfaitc.org/index.php">www.cfaitc.org/index.php</a></li> </ul> <p style="text-align: right;"><i>(DHS Objective 10, Activity 2 &amp; Objective 1, Activity 3)</i></p> | <p>Registered Dietician</p> <p>Project Coordinator</p> | <p>Copies of agendas</p> <p>Record of participation</p> | <p>12/2013-9/2016</p> |

| Objective 4: Peer Educators<br>(December 2013 – September 30, 2016)   |   |   |   |
|---|---|---|---|
| Activities  | Responsible Party   | Deliverables  | Timeframe                                 |
| 7) Annually, partner with SNAP-Ed nutrition education partner(s) to train staff and Peer Educators to conduct the multi-session nutrition education series.<br><br><i>(DHS Objective 6, Activity 3)</i>   | Registered Dietician<br><br>Project Coordinator                 | Training agenda<br><br>List of materials  | 12/2013-<br><br>9/2016                    |
| 8) Annually, partner with SNAP-Ed nutrition education partner(s) to train teachers at Guerneville, Roseland, Sheppard and Roseland Creek Elementary on in-class curriculum.<br><br><i>(DHS Objective 12, Activity 7)</i>  | Registered Dietician<br><br>Project Coordinator                 | Training agenda<br><br>List of materials  | August-September each year from 2014-2016 |
| 9) Annually, assist sites listed in Activities 11-14 below to recruit participants with health disparities to attend classes that are linguistically and culturally appropriate.<br><br><i>(DHS Objective 10, Activity 4)</i>   | Project Coordinator<br><br>Nutrition Aide<br><br>Peer Educators | Documentation of recruitment efforts (e.g. communication logs, Network-approved fliers) | October-June each year from 2014-2016     |
| 10) Annually, contact and invite local CalFresh outreach organizations to attend at least one lesson in the following number of series serving adults (Activities 11-13), providing information on how to apply for the CalFresh program:<br><br>FFY 2014: <u>  7  </u> nutrition education series<br>FFY 2015: <u>  7  </u> nutrition education series<br>FFY 2016: <u>  7  </u> nutrition education series<br><br><i>(DHS Objective 10, Activity 5)</i> | Project Coordinator   | Participation Log   | October-June each year from 2014-2016     |
| 11) Annually, Peer Educators will conduct a <u>five-session</u> direct nutrition education series (a minimum of 30-minutes per lesson) for <u>SNAP-Ed Youth Engagement Projects</u> , reaching unduplicated SNAP-Ed-eligible individuals as follows:  | Project Coordinator<br><br>Peer                                 | Class sign-in sheets<br><br>Network-approved  | October-June each year from 2014-         |

| <b>Objective 4: Peer Educators<br/>(December 2013 – September 30, 2016)</b>  |   |   |                                       |
|--|---|---|---------------------------------------|
| <b>Activities</b>  | <b>Responsible Party</b>                  | <b>Deliverables</b>                                       | <b>Timeframe</b>                      |
| FFY 2014: up to <u>3</u> sites reaching <u>18</u> teens (average of <u>6</u> teens per site)<br>FFY 2015: up to <u>3</u> sites reaching <u>18</u> teens (average of <u>6</u> teens per site)<br>FFY 2016: up to <u>3</u> sites reaching <u>18</u> teens (average of <u>6</u> teens per site)<br><br><i>Note: Site(s) will be selected by Youth Engagement Contractor. SNAP-Ed-eligible individuals must attend all classes in the nutrition education series and complete a pre and post Impact/Outcome Evaluation Assessment in order to be counted. Multi-session classes must be completed by June 30 each federal fiscal year.</i><br><i style="text-align: right;">(DHS Objective 10, Activity 4)</i>   | Educators                                 | lesson plans  | 2016                                  |
| 12) Annually, Peer Educators will conduct a <u>five-session</u> direct nutrition education series (a minimum of 30-minutes per lesson) for <u>CX3 Leadership Training Contractors</u> , reaching unduplicated SNAP-Ed-eligible individuals as follows:<br><br>FFY 2014: <u>1</u> sites reaching a minimum of <u>5</u> adults<br>FFY 2015: <u>1</u> sites reaching a minimum of <u>5</u> adults<br>FFY 2016: Leadership Training not taking place this year.<br><br><i>Note: Site(s) will be selected by CX3 Contractor. SNAP-Ed-eligible individuals must attend all classes in the nutrition education series and complete a pre and post Impact/Outcome Evaluation Assessment in order to be counted. Multi-session classes must be completed by June 30 each federal fiscal year.</i><br><i style="text-align: right;">(DHS Objective 10, Activity 4)</i> | Project Coordinator<br><br>Peer Educators | Class sign-in sheets<br><br>Network-approved lesson plans | October-June each year from 2014-2016 |
| 13) Annually, Peer Educators will conduct a <u>three-session</u> direct nutrition education series (a minimum of 30-minutes per lesson) for parents at <u>AVANCE Sites</u> , reaching unduplicated SNAP-Ed-eligible parents as follows:<br><br>FFY 2014: <u>7</u> sites reaching <u>63</u> adults (average of <u>9</u> parents per site)<br>FFY 2015: <u>7</u> sites reaching <u>63</u> adults (average of <u>9</u> parents per site)<br>FFY 2016: <u>7</u> sites reaching <u>63</u> adults (average of <u>9</u> parents per site)<br><br><i>Note: SNAP-Ed-eligible individuals must attend all classes in the nutrition education series and complete a pre and post Impact/Outcome Evaluation Assessment in order to be counted. Multi-session classes must be completed by June 30 each federal fiscal year.</i>  | Project Coordinator<br><br>Peer Educators | Class sign-in sheets<br><br>Network-approved lesson plans | October-June each year from 2014-2016 |

| Objective 4: Peer Educators<br>(December 2013 – September 30, 2016)  |                      |   |                |
|--|----------------------|---|----------------|
| Activities   | Responsible Party    | Deliverables  | Timeframe      |
| <i>(DHS Objective 10, Activity 4)</i>  |                      |   |                |
| 14) Conduct quality assurance of 30-minutes multi-session nutrition education lessons, such as class assessment surveys or site visits/observations.<br><i>(DHS Objective 10, Activity 4)</i>  | Registered Dietician | Summary report of visits/ observations, survey results, and planned changes as a result of findings | 12/2013-9/2016 |
| 15) Annually, provide ongoing technical assistance to Peer Educators at least <u>12</u> times a year, including modeling classes, assessment of teaching techniques, selection of venues, observation of presentations etc.<br><i>(DHS Objective 10, Activity 6)</i> | Registered Dietician | Technical assistance log;<br>Observation report   | 12/2013-9/2016 |

**Objective 5: Rethink Your Drink**

**GOAL 1:** The target population (Supplemental Nutrition Assistance Program-Education (SNAP-Ed)/Nutrition Education and Obesity Prevention (NEOP) participants and those eligible up to 185% Federal Poverty Level (FPL)) is empowered and enabled to select healthy foods and beverages and increase physical activity through nutrition education, social marketing and environmental supports.

**OBJECTIVE 5 (Rethink Your Drink):** Annually, provide nutrition education activities - inclusive of 15-minute direct Rethink Your Drink education sessions and indirect Rethink Your Drink education booth, exhibit, display, or table - in support of local and regional *Rethink Your Drink* healthy beverage education efforts, reaching SNAP-Ed eligible adults.

| <b>Objective 5: Rethink Your Drink<br/>(December 2013 – September 30, 2016)</b>  |   |  |                                      |
|--|---|--|--------------------------------------|
| <b>Activities</b>  | <b>Responsible Party</b>                        | <b>Deliverables</b>  | <b>Timeframe</b>                     |
| 1) Annually, attend Network <i>Rethink Your Drink</i> nutrition education train-the-trainer workshops and media and spokesperson training. Integrate approved <i>Rethink Your Drink</i> nutrition education materials from the Regional Collaborative and messages from the Regional Media training into designated county’s <i>Rethink Your Drink</i> nutrition education activities and events.<br><i>(DHS Objective 8, Activity 1 &amp; Objective 1, Activity 3)</i>  | Registered Dietician<br><br>Project Coordinator | Training agendas, list of training materials used in activities.   | 12/2013-9/2016                       |
| 2) Annually, provide one training to County Health Agency (Dental, Diabetes, Infant Health, CalFresh, WIC community clinics) on <i>Rethink Your Drink</i> campaign messages and nutrition education materials such as posters, pamphlets, flyers etc.<br><i>(DHS Objective 8, Activity 2)</i>  | Registered Dietician                            | Copies of training agenda, Sign-in logs, Copy of materials   | June-August each year from 2014-2016 |
| 3) Annually, partner with SNAP-Ed nutrition education partner(s) to prepare for Rethink Your Drink education sessions, education booths, exhibits, displays or tables. Activities include, but are not limited to the following: <ul style="list-style-type: none"> <li>• Partner with Community Transformation Grant-funded healthier beverage campaign and <i>Take it From the Tap</i> campaign partners to stream line sugar-sweetened beverage messages and evaluation.</li> <li>• Train staff, peer educators and/ community workers/liaisons to conduct Rethink Your Drink education sessions and/or education booths, exhibits, displays or tables.</li> <li>• Integrate approved <i>Rethink Your Drink</i> nutrition education materials and messages from your Regional Collaborative into designated county’s <i>Rethink Your Drink</i> nutrition education activities.</li> </ul> | Project Coordinator<br><br>Registered Dietician | Training agendas<br><br>List of training materials used in activities<br><br>Network-approved lesson plans | 12/2013-9/2016                       |

| <b>Objective 5: Rethink Your Drink<br/>(December 2013 – September 30, 2016)</b>  |   |  |                  |
|--|---|--|------------------|
| <b>Activities</b>  | <b>Responsible Party</b>  | <b>Deliverables</b>  | <b>Timeframe</b> |
| <i>(DHS Objective 8, Activity 4)</i>   |   |  |                  |
| <p>4) Annually, in coordination with DHS staff and the Northcoast Network Regional Collaborative, conduct a County Rethink Your Drink kick-off event or public education event, this includes invitations to local media.</p> <p style="text-align: right;"><i>(DHS Objective 8, Activity 3)</i></p>   | Project Coordinator   | Photos<br>Press releases<br>Event flyer<br>Volunteer sign-in | 12/2013-9/2016   |
| <p>5) Annually, conduct <i>Rethink Your Drink</i> nutrition education lessons (at least 15 minutes in length) at SNAP-Ed qualifying sites to reach unduplicated SNAP-Ed eligible adults with direct education, as follows:</p> <p>FFY 2014: <u>127</u> RYD sessions at <u>84</u> sites reaching <u>1143</u> adults<br/>           FFY 2015: <u>46</u> RYD sessions at <u>44</u> sites reaching <u>417</u> adults<br/>           FFY 2016: <u>38</u> RYD sessions at <u>37</u> sites reaching <u>342</u> adults</p> <p>Include optional taste-tests of healthy beverages, education of the sugar content of beverages, and benefits and safety of drinking water. Strategically display Rethink Your Drink nutrition education materials: posters, pamphlets, flyers, etc. to reach target audience.</p> <p>Sites must include Roseland, Roseland Creek, Sheppard, and Guerneville Elementary Schools and all after school sites (selected by After-School Contractor). At least 1 single-session direct nutrition education lessons (at least 15 minutes each) must be provided at each of these sites. Assistance must also be provided to schools and after school sites to recruit parents of students, particularly those in grades 2-5.</p> <p><i>Note: All nutrition education materials, including curricula, must be approved by the Network prior to use and distribution. DHS staff will coordinate the approval process and will purchase educational materials, displays/models, and equipment for all contractors. DHS will also provide duplication and printing of materials, as needed.</i></p> <p style="text-align: right;"><i>(DHS Objective 8, Activity 4)</i></p> | Project Coordinator<br><br>Registered Dietician<br><br>Nutrition Aide<br><br>Peer Educators | Lesson plans<br><br>Completed participant data cards         | 12/2013-9/2016   |

| Objective 5: Rethink Your Drink<br>(December 2013 – September 30, 2016)  |   |  |                |
|--|---|--|----------------|
| Activities   | Responsible Party   | Deliverables   | Timeframe      |
| 6) Conduct quality assurance, such as class assessment surveys, and oversight, such as site visits/observations of Rethink Your Drink sessions.<br><i>(DHS Objective 8, Activity 4)</i>  | Registered Dietician  | Summary report of visits and observations, survey results, and planned changes as a result of findings | 12/2013-9/2016 |
| 7) Annually, host Healthy Beverage nutrition education booth, exhibit, display or table for adults at qualifying community events to reach unduplicated SNAP-Ed eligible adults with indirect nutrition education, as follows:<br><br>FFY 2014: <u>  1  </u> RYD events at <u>  1  </u> sites reaching <u> 250 </u> adults<br>FFY 2015: <u>  1  </u> RYD events at <u>  1  </u> sites reaching <u> 250 </u> adults<br>FFY 2016: <u>  1  </u> RYD events at <u>  1  </u> sites reaching <u> 250 </u> adults<br><br>Reference the Community Events Manual as a guide:<br><a href="http://www.cdph.ca.gov/programs/cpns/Documents/Network-FV-AA-KIT632.pdf">www.cdph.ca.gov/programs/cpns/Documents/Network-FV-AA-KIT632.pdf</a><br><br><i>Note: All nutrition education materials, including curricula, must be approved by the Network prior to use and distribution. DHS staff will coordinate the approval process and will purchase educational materials, displays/models, and equipment for all contractors. DHS will also provide duplication and printing of materials, as needed.</i><br><br><i>(DHS Objective 8, Activity 4)</i> | Project Coordinator<br><br>Nutrition Aide<br><br>Peer Educators | Flyers<br><br>Photos<br><br>ATF/EARS   | 12/2013-9/2016 |
| 8) Annually, work with SNAP-Ed Team to identify priorities and develop a list of environmental support strategies with local partners to increase and promote access to healthy beverage options through public health approaches. Some strategies may include: <ul style="list-style-type: none"> <li>Collaborate with local school district to update their wellness policy to reduce access to sugar-sweetened beverages and provide more healthy beverages option in appropriate serving sizes on campus</li> <li>Reduce sugar-sweetened beverages (SSBs) from county welfare offices, public</li> </ul>   | Registered Dietician<br><br>Administrator                       | Summary of local strategies (report annually)  | 12/2013-9/2016 |



| Objective 5: Rethink Your Drink<br>(December 2013 – September 30, 2016)   |                     |                              |                |
|---|---------------------|------------------------------|----------------|
| Activities  | Responsible Party   | Deliverables                 | Timeframe      |
| <p>housing units, city parks and recreational facilities and/or school vending machines in eligible settings serving low-income populations and provide healthy beverage alternatives in appropriate serving sizes</p> <ul style="list-style-type: none"> <li>• Encourage partners to provide free drinking water to the public in common areas at such eligible venues: city and county facilities, worksites, schools, preschools, afterschool programs, community organizations</li> <li>• Collaborate with local youth serving organizations working with low-income populations (such as parks and recreation, sports leagues, booster clubs, etc.) to ensure that healthy beverages are available at community events for purchase</li> <li>• Encourage organizations to seek healthy beverage sponsorships</li> </ul> <p style="text-align: right;"><i>(DHS Objective 8, Activity 5)</i></p> |                     |                              |                |
| <p>9) Annually, work with the SNAP-Ed Team to advance and market the minimum of one environmental support strategy in an eligible local setting serving the low-income population that increases healthy beverage options and enhances the <i>Rethink Your Drink</i> campaign efforts.</p> <p style="text-align: right;"><i>(DHS Objective 8, Activity 6)</i></p>   | Project Coordinator | Local strategies implemented | 12/2013-9/2016 |

**Objective 6: In-Store Retail Events**

**GOAL 1:** The target population (Supplemental Nutrition Assistance Program-Education (SNAP-Ed)/Nutrition Education and Obesity Prevention (NEOP) participants and those eligible up to 185% Federal Poverty Level (FPL)) is empowered and enabled to select healthy foods and beverages and increase physical activity through nutrition education, social marketing and environmental supports.

**OBJECTIVE 6 (In-Store Retail Events):** Engage a qualifying grocery retailers (such as: supermarkets, grocery stores, and/or independent grocers) in the county to reach SNAP-Ed eligible adults through nutrition education events (i.e., food demonstrations, taste tests, store tours, and other strategies).

| Objective 6: In-Store Retail Events<br>(December 2013 – September 30, 2016)  |  |  |                |
|--|--|--|----------------|
| Activities   | Responsible Party                          | Deliverables                                     | Timeframe      |
| 2) Participate in all required <i>Network for a Healthy California -Retail Program</i> trainings in person and/or via webinars related to conducting in-store nutrition education events (e.g., food demonstrations, taste tests, store tours, and other in-store nutrition education strategies).<br><br>Resources: <ul style="list-style-type: none"> <li>• Fruit &amp; Vegetable Store Tour Guide<br/> <a href="http://www.cdph.ca.gov/programs/cpns/Documents/Network-FV-RP-StoreTourGuide.pdf">www.cdph.ca.gov/programs/cpns/Documents/Network-FV-RP-StoreTourGuide.pdf</a></li> <li>• Food Demonstration Training Kit<br/> <a href="http://www.cdph.ca.gov/programs/cpns/Documents/Network-FV-RP-FoodDemoTrainingKit-2007-10.pdf">www.cdph.ca.gov/programs/cpns/Documents/Network-FV-RP-FoodDemoTrainingKit-2007-10.pdf</a></li> </ul> <p style="text-align: right;"><i>(DHS Objective 15, Activity 1 &amp; Objective 1, Activity 3)</i></p> | Registered Dietician<br><br>Nutrition Aide | Copies of agendas<br><br>Record of participation | 12/2013-9/2016 |
| 3) Work with retail staff, DHS staff, retail contractors and/or community liaisons (e.g. CX3 Community Liaisons) to develop a calendar of store events and make preparations for nutrition education events (i.e., food demonstrations, taste tests, store tours, and other in-store nutrition education strategies) using Network-approved materials. Preparations may include: organizing materials, purchasing food demonstration supplies, and securing produce donations for tastings.  | Project Coordinator<br><br>Nutrition Aide  | Calendar of events                               | 12/2013-9/2016 |
| <i>Note: All nutrition education materials, including curricula, must be approved by the</i>   |  |  |                |

| Objective 6: In-Store Retail Events<br>(December 2013 – September 30, 2016)   |  |  |                |
|---|--|--|----------------|
| Activities  | Responsible Party  | Deliverables   | Timeframe      |
| <p><i>Network prior to use and distribution. DHS staff will coordinate the approval process and will purchase educational materials, displays/models, and equipment for all contractors. DHS will also provide duplication and printing of materials, as needed.</i></p> <p><i>(DHS Objective 15, Activity 2)</i></p>   |  |  |                |
| <p>4) Acquire food handling certification (such as ServSafe) that meets the county’s requirements for staff, peer educators (e.g., Promotoras), and community liaisons (e.g., CX3 Community Liaisons) responsible for conducting in-store events at retail sites. Some nutrition education events (e.g., food demonstration, taste testing) must be appropriately staffed to meet the requirements of the county.</p> <p><i>(DHS Objective 15, Activity 3)</i></p>  | Administrator  | Copy of Certification for staff  | 12/2013-9/2016 |
| <p>5) Train the following number of peer educators (e.g., Promotoras), community liaisons (e.g., CX3 Community Liaisons), and retail staff each year to conduct in-store nutrition education events.</p> <ul style="list-style-type: none"> <li>• FFY 2014: <u>  6  </u></li> <li>• FFY 2015: <u>  3  </u></li> <li>• FFY 2016: <u>  3  </u></li> </ul> <p><i>(DHS Objective 15, Activity 4)</i></p>  | Registered Dietician<br><br>Nutrition Aide                       | Training agenda<br><br>List of materials   | 12/2013-9/2016 |
| <p>6) Coordinate, promote, and conduct the following number of nutrition education events (i.e., food demonstrations, taste tests, store tours, and other in-store nutrition education strategies) at each of the following retail sites located in qualified communities (to be determined by DHS staff). Events should promote and market healthy food products available for purchase at the retailer.</p> <ul style="list-style-type: none"> <li>• FFY 2014: <u>  2  </u> nutrition education events at each of <u> 16 </u> retailers</li> <li>• FFY 2015: <u>  1  </u> nutrition education events at each of <u> 24 </u> retailers</li> <li>• FFY 2016: <u>  1  </u> nutrition education events at each of <u> 24 </u> retailers</li> </ul> <p><i>Note: Site(s) will be selected by Retail Specialist Contractor and Food Access Coordinator.</i></p> <p><i>(DHS Objective 15, Activity 4)</i></p> | Registered Dietician<br><br>Nutrition Aide<br><br>Peer Educators | Calendar of events<br><br>Photos of events<br><br>Evaluation summary of promotional activities | 12/2013-9/2016 |

**Objective 7: Medical/Dental Providers & Clinics**

**GOAL 1:** The target population (Supplemental Nutrition Assistance Program-Education (SNAP-Ed)/Nutrition Education and Obesity Prevention (NEOP) participants and those eligible up to 185% Federal Poverty Level (FPL)) is empowered and enabled to select healthy foods and beverages and increase physical activity through nutrition education, social marketing and environmental supports.

**OBJECTIVE 7 (Medical/Dental Providers & Clinics):** Annually, reach children ages birth to five and their families by developing partnership and providing training and technical assistance to medical/dental providers and clinics to facilitate nutrition education and obesity prevention strategies resulting in healthy site changes.

| <b>Objective 7: Medical/Dental Providers &amp; Clinics<br/>(December 2013 – September 30, 2016)</b>   |   |  |                  |
|---|---|--|------------------|
| <b>Activities</b>   | <b>Responsible Party</b>                        | <b>Deliverables</b>  | <b>Timeframe</b> |
| 1) Annually, contact <u>10</u> medical/dental providers/clinics that primarily serve qualifying children birth to five and their families; to provide training and education packets. Conduct at least one provider training annually; that advances and promotes the same nutrition education messages and obesity prevention strategies as those used by engaged early-childhood care and education sites.<br><br><i>(DHS Objective 16, Activity 8)</i> | Project Coordinator<br><br>Registered Dietician | Provider/clinic contact list,<br><br>Meeting agendas,<br><br>Sign-in sheets and/or activity logs | 12/2013-9/2016   |

**Exhibit C. Budget – SNAP-Ed**

|  | Hourly Rate | Hrs   | Dec 2013 - Sept 2014 | Hourly Rate | Hrs   | Oct 2014- Sept 2015 | Hourly Rate | Hrs   | Oct 2015- Sept 2016 | Total            |
|--|-------------|-------|----------------------|-------------|-------|---------------------|-------------|-------|---------------------|------------------|
| <b>PERSONNEL</b>   |             |       |                      |             |       |                     |             |       |                     |                  |
| Martin Rivarola, Project Coordinator (Promotores de Salud Coordinator) | \$21.90     | 2,044 | \$44,764             | \$22.56     | 988   | \$22,286            | \$23.23     | 952   | \$22,118            | \$89,168         |
| Nora Bulloch, Registered Dietician (Nutritionist)                      | \$33.74     | 1,144 | \$38,599             | \$34.75     | 1,040 | \$36,142            | \$35.79     | 1,040 | \$37,227            | \$111,968        |
| Sandra Fernandez, Nutrition Aide (Promotora de Salud II)               | \$16.02     | 1,456 | \$23,325             | \$16.50     | 988   | \$16,303            | \$17.00     | 832   | \$14,140            | \$53,768         |
| Lance Goller, Administrator (Grants Manager)                           | \$29.11     | 312   | \$9,082              | \$29.98     | 208   | \$6,237             | \$30.88     | 104   | \$3,212             | \$18,531         |
| <b>Personnel Subtotal</b>  |             |       | <b>\$115,770</b>     |             |       | <b>\$80,968</b>     |             |       | <b>\$76,697</b>     | <b>\$273,435</b> |
| <b>Fringe Benefits</b>   |             |       |                      |             |       |                     |             |       |                     |                  |
| Martin Rivarola, Project Coordinator (Promotores de Salud Coordinator) | 44.972%     |       | \$20,131             | 44.972%     |       | \$10,022            | 44.972%     |       | \$9,947             | \$40,100         |
| Nora Bulloch, Registered Dietician (Nutritionist)                      | 34.175%     |       | \$13,191             | 34.175%     |       | \$12,352            | 34.175%     |       | \$12,722            | \$38,265         |
| Sandra Fernandez, Nutrition Aide (Promotora de Salud II)               | 28.795%     |       | \$6,716              | 28.795%     |       | \$4,694             | 28.795%     |       | \$4,072             | \$15,482         |
| Lance Goller, Administrator (Grants Manager)                           | 19.548%     |       | \$1,775              | 19.548%     |       | \$1,219             | 19.548%     |       | \$628               | \$3,622          |
| <b>Fringe Benefits Subtotal</b>  |             |       | <b>\$41,813</b>      |             |       | <b>\$28,287</b>     |             |       | <b>\$27,369</b>     | <b>\$97,469</b>  |
| <b>TOTAL PERSONNEL</b>   |             |       | <b>\$157,583</b>     |             |       | <b>\$109,255</b>    |             |       | <b>\$104,066</b>    | <b>\$370,904</b> |
| <b>OPERATING EXPENSES</b>  |             |       |                      |             |       |                     |             |       |                     |                  |
| Office Supplies  |             |       | \$1,200              |             |       | \$900               |             |       | \$600               | \$2,700          |
| Postage  |             |       | \$360                |             |       | \$240               |             |       | \$240               | \$840            |
| Printing & Duplication   |             |       | \$360                |             |       | \$264               |             |       | \$264               | \$888            |
| Communications (e.g. phone, fax, and email)                            |             |       | \$477                |             |       | \$310               |             |       | \$282               | \$1,069          |
| Copier Rental  |             |       | \$381                |             |       | \$248               |             |       | \$225               | \$854            |
| Space Rent/Lease   |             |       | \$10,579             |             |       | \$1,214             |             |       | \$957               | \$12,750         |
| Equipment  |             |       | \$0                  |             |       | \$0                 |             |       | \$0                 | \$0              |
| <b>TOTAL OPERATING EXPENSES</b>  |             |       | <b>\$13,357</b>      |             |       | <b>\$3,176</b>      |             |       | <b>\$2,568</b>      | <b>\$19,101</b>  |

|   | Hourly Rate | Hrs    | Dec 2013 - Sept 2014 | Hourly Rate | Hrs | Oct 2014- Sept 2015 | Hourly Rate | Hrs | Oct 2015- Sept 2016 | Total            |
|---|-------------|--------|----------------------|-------------|-----|---------------------|-------------|-----|---------------------|------------------|
| <b>TRAVEL</b>   |             |        |                      |             |     |                     |             |     |                     |                  |
| Travel – Network Workshops, Trainings, Meetings & Conferences           |             |        | \$589                |             |     | \$589               |             |     | \$589               | \$1,767          |
| Travel - Non-Network Workshops, Trainings, Meetings & Conferences       |             |        | \$405                |             |     | \$368               |             |     | \$0                 | \$773            |
| Travel – Local Mileage  |             |        | \$6,253              |             |     | \$4,502             |             |     | \$3,251             | \$14,006         |
| <b>TOTAL TRAVEL</b>   |             |        | <b>\$7,247</b>       |             |     | <b>\$5,459</b>      |             |     | <b>\$3,840</b>      | <b>\$16,546</b>  |
| <b>OTHER COSTS</b>  |             |        |                      |             |     |                     |             |     |                     |                  |
| Food Demonstration/Taste Testing Supplies                               |             |        | \$5,007              |             |     | \$3,009             |             |     | \$2,691             | \$10,707         |
| Space Rental (e.g., for nutrition ed classes, events)                   |             |        | \$300                |             |     | \$200               |             |     | \$200               | \$700            |
| Peer Educators/Community Liaisons                                       |             |        | \$6,004              |             |     | \$7,344             |             |     | \$6,192             | \$19,540         |
| <b>TOTAL OTHER COSTS</b>  |             |        | <b>\$11,311</b>      |             |     | <b>\$10,553</b>     |             |     | <b>\$9,083</b>      | <b>\$30,947</b>  |
| <b>SUBCONTRACTS / CONSULTANTS</b>                                       |             |        |                      |             |     |                     |             |     |                     |                  |
|   |             |        |                      |             |     |                     |             |     |                     | \$0              |
| <b>TOTAL SUBCONTRACTS</b>   |             |        | <b>\$0</b>           |             |     | <b>\$0</b>          |             |     | <b>\$0</b>          | <b>\$0</b>       |
| <b>TOTAL DIRECT COSTS<br/>(Personnel + Non-Personnel + Other Costs)</b> |             |        | <b>\$189,498</b>     |             |     | <b>\$128,443</b>    |             |     | <b>\$119,557</b>    | <b>\$437,498</b> |
| <b>Indirect Costs %</b>   |             | 23.79% | \$40,502             |             |     | \$30,557            |             |     | \$28,443            | \$99,502         |
| <b>TOTAL BUDGET</b>   |             |        | <b>\$230,000</b>     |             |     | <b>\$159,000</b>    |             |     | <b>\$148,000</b>    | <b>\$537,000</b> |

**SNAP-Ed Grant Budget Revisions and Line Item Adjustments:**

Subject to prior written notice under Paragraph 12, the Department of Health Services Division Director, or designee, may approve Line Item Budget Adjustment Requests and Budget Revision Requests so long as the total contract maximum set forth in Section 2 (Payment) neither increases nor decreases and there is no significant change in the Scope of Work. Proposed transfers between budget sections or between line items require an approved Budget Revision Request if the total of the proposed changes are greater than 10% of the total contract amount for each budget year. Proposed budget transfers that total less than 10% of the total contract amount each budget year require an approved Line Item Budget Adjustment Request. Said Line Item Budget Adjustment Requests and Budget Revision Requests shall not require a formal amendment to this Agreement and shall be effected by preparation of a new exhibit which is signed and dated by the Department of Health Services Division Director, or designee.

**Exhibit D. Budget In-Kind – SNAP-Ed**

|   | Hourly Rate | Hrs | Dec 2013 - Sept 2014 | Hourly Rate | Hrs | Oct 2014- Sept 2015 | Hourly Rate | Hrs | Oct 2015- Sept 2016 | Total           |
|---|-------------|-----|----------------------|-------------|-----|---------------------|-------------|-----|---------------------|-----------------|
| <b>PERSONNEL</b>  |             |     |                      |             |     |                     |             |     |                     |                 |
| Lance Goller, Administrator (Grants Manager)                      | \$29.11     | 312 | \$9,082              | \$29.98     | 312 | \$9,355             | \$30.88     | 312 | \$9,635             | \$28,072        |
| <b>Personnel Subtotal</b>   |             |     | <b>\$9,082</b>       |             |     | <b>\$9,355</b>      |             |     | <b>\$9,635</b>      | <b>\$28,072</b> |
| <b>Fringe Benefits</b>  |             |     |                      |             |     |                     |             |     |                     |                 |
| Lance Goller, Administrator (Grants Manager)                      | 19.548%     |     | \$1,775              | 19.548%     |     | \$1,829             | 19.548%     |     | \$1,883             | \$5,487         |
| <b>Fringe Benefits Subtotal</b>                                   |             |     | <b>\$1,775</b>       |             |     | <b>\$1,829</b>      |             |     | <b>\$1,883</b>      | <b>\$5,487</b>  |
| <b>TOTAL PERSONNEL</b>  |             |     | <b>\$10,857</b>      |             |     | <b>\$11,184</b>     |             |     | <b>\$11,518</b>     | <b>\$33,559</b> |
| <b>OPERATING EXPENSES</b>   |             |     |                      |             |     |                     |             |     |                     |                 |
| Office Supplies   |             |     |                      |             |     |                     |             |     |                     | \$0             |
| Postage   |             |     |                      |             |     |                     |             |     |                     | \$0             |
| Printing & Duplication  |             |     |                      |             |     |                     |             |     |                     | \$0             |
| Communications (e.g. phone, fax, and email)                       |             |     | \$30                 |             |     | \$30                |             |     | \$30                | \$90            |
| Copier Rental   |             |     | \$24                 |             |     | \$24                |             |     | \$24                | \$72            |
| Space Rent/Lease  |             |     | \$348                |             |     | \$6,182             |             |     | \$6,009             | \$12,539        |
| Equipment   |             |     |                      |             |     |                     |             |     |                     | \$0             |
| <b>TOTAL OPERATING EXPENSES</b>                                   |             |     | <b>\$402</b>         |             |     | <b>\$6,236</b>      |             |     | <b>\$6,063</b>      | <b>\$12,701</b> |
| <b>TRAVEL</b>   |             |     |                      |             |     |                     |             |     |                     |                 |
| Travel – Network Workshops, Trainings, Meetings & Conferences     |             |     |                      |             |     |                     |             |     |                     | \$0             |
| Travel - Non-Network Workshops, Trainings, Meetings & Conferences |             |     |                      |             |     |                     |             |     |                     | \$0             |
| Travel – Local Mileage  |             |     |                      |             |     |                     |             |     |                     | \$0             |
| <b>TOTAL TRAVEL</b>   |             |     | <b>\$0</b>           |             |     | <b>\$0</b>          |             |     | <b>\$0</b>          | <b>\$0</b>      |

|   | Hourly Rate | Hrs           | Dec 2013 - Sept 2014 | Hourly Rate | Hrs | Oct 2014- Sept 2015 | Hourly Rate | Hrs | Oct 2015- Sept 2016 | Total           |
|---|-------------|---------------|----------------------|-------------|-----|---------------------|-------------|-----|---------------------|-----------------|
| <b>OTHER COSTS</b>  |             |               |                      |             |     |                     |             |     |                     |                 |
| Food Demonstration/Taste Testing Supplies                               |             |               |                      |             |     |                     |             |     |                     | \$0             |
| Space Rental (e.g., for nutrition ed classes, events)                   |             |               |                      |             |     |                     |             |     |                     |                 |
| Peer Educators/Community Liaisons                                       |             |               | \$2,000              |             |     |                     |             |     |                     | \$2,000         |
| <b>TOTAL OTHER COSTS</b>  |             |               | <b>\$2,000</b>       |             |     | <b>\$0</b>          |             |     | <b>\$0</b>          | <b>\$2,000</b>  |
| <b>SUBCONTRACTS / CONSULTANTS</b>                                       |             |               |                      |             |     |                     |             |     | \$0                 | \$0             |
|   |             |               |                      |             |     |                     |             |     |                     | \$0             |
| <b>TOTAL SUBCONTRACTS</b>   |             |               | <b>\$0</b>           |             |     | <b>\$0</b>          |             |     | <b>\$0</b>          | <b>\$0</b>      |
| <b>TOTAL DIRECT COSTS<br/>(Personnel + Non-Personnel + Other Costs)</b> |             |               | <b>\$13,259</b>      |             |     | <b>\$17,420</b>     |             |     | <b>\$17,581</b>     | <b>\$48,260</b> |
| <b>Indirect Costs %</b>   |             | <b>23.79%</b> | \$7,734              |             |     | \$4,144             |             |     | \$4,183             | \$16,061        |
| <b>TOTAL BUDGET</b>   |             |               | <b>\$20,993</b>      |             |     | <b>\$21,564</b>     |             |     | <b>\$21,764</b>     | <b>\$64,321</b> |



### Exhibit E. Scope of Work and Budget – Active Recess

**Key Activities** – Contractor will coordinate 3 active recess meetings with 10 school sites and provide regular technical assistance (TA) sessions to support active recess implementation.

| Activity   | Deliverable  | Budget         |
|--|--|----------------|
| <p><b>Facilitation</b> – Co-facilitate up to three Active Recess meetings to provide guidance and resources to schools around implementation of sustainable Active Recess programs. Active Recess Coordinators from all schools will participate.</p> <p><b>\$300 per Active Recess meeting x 3 meetings</b></p>   | Agenda, minutes and sign-in sheets from meetings   | \$900          |
| <p><b>Technical Assistance</b> – Provide technical assistance sessions to each school relating to implementation of Active Recess. Examples may include regular one-on-one check-in phone calls or meetings with each school or regular group teleconferences or meetings with all schools.</p> <p><b>\$100 per technical assistance session x 10 schools</b></p>  | Technical assistance log   | \$1,000        |
| <p><b>Evaluation</b> – In collaboration with DHS, collect data from ten school sites and assist with data entry. This includes SOPLAY observations, key informant interviews and/or student focus groups.</p> <p>\$100 per SOPLAY observation x 10 schools = \$1,000<br/>           \$100 per key informant interview x 10 schools = \$1,000<br/>           \$300 per student focus group x 1 school = \$300</p> | SOPLAY observation raw data & entered data<br><br>Key informant interview notes/summary<br><br>Focus group notes/summary | \$2,300        |
| <p><b>Review Final Report</b> – Assist DHS to assemble Active Recess final report: review and provide feedback on any pertinent documents, and help create and implement a dissemination plan for the report.</p>  | Final report<br><br>Dissemination plan   | \$750          |
| <b>Total Budget</b>  |  | <b>\$4,950</b> |

Contractor must submit all deliverables, as required by the County, concerning all activities on or before September 30, 2014.

**Exhibit F. Budget Justification – SNAP-Ed**

| <b>PERSONEL</b>  |
|--|
| <p><b>Positions and position descriptions</b></p> <p><b>Employee Name:</b> Nora Bulloch<br/><b>Position Title:</b> Registered Dietician<br/><b>Official Title:</b> Nutritionist<br/><b>FTE:</b> .5500 FTE = 22 hours per week (FFY 2014); .50 FTE = 20 hours per week (FFY 2015 &amp; FFY 2016)<br/><b>Position Description:</b> The Registered Dietician will oversee all nutrition education materials ensuring that the presentations are meeting the National nutrition standards, coordinate the activity of other SNAP-Ed staff, assist in the initial training of volunteer peer educators, provide technical assistance to peer educators and Nutrition Aide, and ensure quality and fidelity of the presentations.</p> <p><b>Employee Name:</b> Martin Rivarola<br/><b>Position Title:</b> Project Coordinator<br/><b>Official Title:</b> Promotores de Salud Coordinator<br/><b>FTE:</b> .9827 FTE = 39 Hours per week (FFY 2014); .4750 FTE = 19 hours per week (FFY 2015); and .4577 FTE = 18 hours per week (FFY 2016)<br/><b>Position Description:</b> The Project Coordinator will schedule and coordinate all SNAP-Ed events, maintain the shared calendar, recruit and train volunteer peer educators, establish partnerships with other agencies, teach SNAP-Ed classes as needed, and conduct outreach to medical providers.</p> <p><b>Employee Name:</b> Sandra Fernandez<br/><b>Position Title:</b> Nutrition Aide<br/><b>Official Title:</b> Promotora de Salud II<br/><b>FTE:</b> .7000 FTE = 28 hours per week (FFY 2014); .4750 FTE = 19 hours/week (FFY 2015), and .4000 FTE = 16 hours/week (FFY 2016)<br/><b>Position Description:</b> Nutrition Aide will teach nutrition classes in English and Spanish, and provide support for the work of volunteer peer educators by purchasing and maintaining program supplies and training materials.</p> |

**Employee Name:** Lance Goller  
**Position Title:** Administrator  
**Official Title:** Health Education Grants Manager  
**FTE:**  
FFY 2014: .30 FTE = 6 hours/week (.15 FTE)+ 6 hours/week in-kind (0.15 FTE)  
FFY 2015: .25 FTE = 4 hours /week (.10 FTE) + 6 hours/week in-kind (0.15 FTE)  
FFY 2016: .20 FTE = 2 hours/week (.05 FTE) + 6 hours/week in-kind (0.15 FTE)  
**Position Description:** Administrator will manage the budget and oversee project staff. He will be responsible for ensuring that all reporting requirements and deliverables are met.

**Fringe Benefits**

The average fringe benefit percentage used for calculating the fringe benefit line is 34.15% of salaries, for a total of \$102,959, of which \$5,488 (5.3% of the fringe) will be provided in-kind. For paid staff, the resulting fringe rate is 35.65%. Fringe Benefits include statutory benefits (i.e., Medicare, Social Security, Federal Unemployment Tax (FUTA), and Workers Compensation) as well as voluntary benefits (i.e., Paid time off, Life Insurance, Employee Medical and Dental Insurance, Dependent Medical and Dental Insurance, Short and/or Long Term Disability Insurance, and Accidental Death and Dismemberment Insurance)

**OPERATING EXPENSES**

**Office Supplies :** \$2700

Includes supplies such as pens, pencils, notepads, paper, toner, staples, or similar items needed for nutrition education and promotion activities. Also includes prorated costs associated with providing ergonomic equipment for project staff, such as ergo keyboards and wrist guards.

- FFY 2014: Calculation: \$100 per month X 12 months = \$1200
- FFY 2015: Calculation: \$75 per month X 12 months = \$900
- FFY 2016: Calculation: \$50 per month X 12 months = \$600

**Postage:** \$840

To mail invoices, flyers, and correspond with SNAP-Ed partners.

- FFY 2014: 12 SNAP-Ed invoices x \$6 per invoice + 626 stamps x 46 cents to mail 626 SNAP-Ed flyers to partners and participants = \$360
- FFY 2015: 12 SNAP-Ed invoices x \$6 per invoice + 365 stamps x 46 cents to mail 365 SNAP-Ed flyers to partners and participants = \$240
- FFY 2016: 12 SNAP-Ed invoices x \$6 per invoice + 365 stamps x 46 cents to mail 365 SNAP-Ed flyers to partners and participants = \$240

**Printing & Duplication: \$888**

For the cost of printing flyers, invoices, and other SNAP-Ed printed materials that are not provided by DHS. Copier is equipped with a counter to distinguish SNAP-Ed expenses from non-SNAP-Ed expenses.

- FFY 2014: 15,000 B&W copies x \$0.01/copy + 3,000 color copies x \$0.07/copy = \$360
- FFY 2015: 12,400 B&W copies x \$0.01/copy + 2,000 color copies x \$0.07/copy = \$264
- FFY 2016: 12,400 B&W copies x \$0.01/copy + 2,000 color copies x \$0.07/copy = \$264

**Communications (e.g., phone, fax and email): \$1,069 (+ \$90 in kind)**

Agency communications expense for phones and internet is expected to be \$200 per month. Amount budgeted is based on the pro-rated FTE on the SNAP-Ed project compared to the agency FTE of 12 full-time staff.

- FFY 2014: 2.5327 FTE/12 FTE = 21.1% of agency expenses attributable to SNAP-Ed; 21.1% of \$2400 = \$507 - \$30 in kind = \$477
- FFY 2015: 1.7 FTE/12 FTE = 14.2% of agency expenses attributable to SNAP-Ed; 14.2% of \$2400 = \$340 - \$30 in kind = \$310
- FFY 2016: 1.5577 FTE/12 FTE= 13.0% of agency expenses attributable to SNAP-Ed; 13.0% of \$2400 = \$312 - \$30 in kind = \$282

**Copier Rental: \$854 (+ \$72 in kind)**

Agency copier lease expense is expected to be \$160 per month. Amount budgeted is based on the pro-rated FTE on the SNAP-Ed project compared to the agency FTE of 12 full-time staff.

- FFY 2014: 2.5327 FTE /12 FTE = 21.1% of agency expenses attributable to SNAP-Ed; 21.1% of \$1920 = \$405 - \$24 in kind = \$381
- FFY 2015: 1.7 FTE /12 FTE = 14.2% of agency expenses attributable to SNAP-Ed; 14.2% of \$1920 = \$272 - \$24 in kind = \$248
- FFY 2016: 1.5577 FTE /12 FTE= 13.0% of agency expenses attributable to SNAP-Ed; 13.0% of \$1920 = \$249 - \$24 in kind = \$225

**Space Rent/Lease: \$12,750 (+\$12,539 in kind)**

- FFY 2014: 2.5327 FTE /12 FTE = 21.1% of agency rent of \$51,787 = \$10,927 – \$348 in kind = \$10,579
- FFY 2015: 1.7 FTE /12 FTE = 14.2% of agency rent of \$52,087= \$7,396 – \$6,182 in kind = \$1,214
- FFY 2016: 1.5577 FTE /12 FTE= 13.0% of agency rent of \$52,087= \$6,966 – \$6,009 in kind = \$957

**TRAVEL**

**Travel - Network Workshops, Training, Meetings & Conferences: \$1,767**

The following out-of-county Network workshops, trainings, meetings and/or conferences have been pre-approved. Additional travel to Network-sponsored workshops, trainings, meetings and/or conferences are allowed and do not need prior approval.

**Network Cultural Proficiency Training (in Sacramento)**

1 Project Coordinator, 1 day

- FFY 2014: mileage (1 car x 160 miles RT x .565= \$90.40) + parking (1 day x \$23 = \$23) = \$113.40
- FFY 2015: mileage (1 car x 160 miles RT x .565= \$90.40) + parking (1 day x \$23 = \$23) = \$113.40
- FFY 2016: mileage (1 car x 160 miles RT x .565= \$90.40) + parking (1 day x \$23 = \$23) = \$113.40

**Network Community Engagement Training (in Sacramento)**

Project Coordinator, 1 day

- FFY 2014: mileage (1 car x 160 miles RT x .565= \$90.40) + parking (1 day x \$23 = \$23) = \$113.40
- FFY 2015: mileage (1 car x 160 miles RT x .565= \$90.40) + parking (1 day x \$23 = \$23) = \$113.40
- FFY 2016: mileage (1 car x 160 miles RT x .565= \$90.40) + parking (1 day x \$23 = \$23) = \$113.40

**Annual Network Conference (in Sacramento)**

Registered Dietician, 2 days/1 night

- FFY 2014: per diem (1 x \$46=\$46) + lodging (1 night x \$95 = \$95) + mileage (1 car x 160 miles RT x .565= \$90.40) + parking (2 day x \$20 = \$40) = \$271.40
- FFY 2015: per diem (1 x \$46=\$46) + lodging (1 night x \$95 = \$95) + mileage (1 car x 160 miles RT x .565= \$90.40) + parking (2 day x \$20 = \$40) = \$271.40
- FFY 2016: per diem (1 x \$46=\$46) + lodging (1 night x \$95 = \$95) + mileage (1 car x 160 miles RT x .565= \$90.40) + parking (2 day x \$20 = \$40) = \$271.40

**Network Regional Meetings (Various Bay Area Counties)**

Project Coordinator & Registered Dietician, 4 days

- FFY 2014: mileage (4 days x 2 cars x 20 miles RT x .565= \$90.40) = \$90.40
- FFY 2015: mileage (4 days x 2 cars x 20 miles RT x .565= \$90.40) = \$90.40
- FFY 2016: mileage (4 days x 2 cars x 20 miles RT x .565= \$90.40) = \$90.40

**Travel – Non-Network Workshops, Trainings, Meetings & Conferences: \$773**

The following non-Network workshops, trainings, meetings and/or conferences have been pre-approved. Additional non-Network travel may be allowed, but prior approval is required and a budget revision must be submitted and approved before attending.

**CA Conference of Local Health Department Nutritionists (Location Varies Each Year)**

Registered Dietician, 3 days/2 night

- FFY 2014: per diem (2 days x \$41 = \$123) + lodging (2 nights x \$95 = \$190) + registration (1 person x \$250 = \$250) + mileage (1 car x 200 miles RT x .565 = \$113) + parking (3 day x \$20 = \$60) = \$736 x .55 FTE = \$404.80
- FFY 2015: per diem (2 days x \$41 = \$123) + lodging (2 nights x \$95 = \$190) + registration (1 person x \$250 = \$250) + mileage (1 car x 200 miles RT x .565 = \$113) + parking (3 day x \$20 = \$60) = \$736 x .5 FTE = \$368
- FFY 2016: No plans to attend.

**Travel – Mileage: \$14,006**

Mileage for in-county travel for Project Coordinator, Registered Dietician, Nutrition Aide, and 23 Peer Educators to attend team meetings, local trainings, meeting with stakeholders, community forums, conduct site visits & TBD.

- FFY 2014: 600 trips x 18.45 miles x .565 = \$6253
- FFY 2015: 400 miles x 19.92 miles x .565 = \$4502
- FFY 2016: 350 miles x 31.61 miles x .565 = \$3251

**OTHER COSTS**

**Food Demonstration/Taste Testing Supplies: \$10,707**

Program supplies such as food, paper towels, napkins, cups, healthy food samples, measuring cups, plates for portion size lessons, etc.

- FFY 2014: .40 for each of 3,700 indirect education contacts + \$1 for each of approximately 3,527 direct education contacts = \$5,007
- FFY 2015: .45 for each of 3,700 indirect education contacts + \$1 for each of approximately 1,344 direct education contacts = \$3,009
- FFY 2016: .45 for each of 3,700 indirect education contacts + \$1 for each of approximately 1,026 direct education contacts = \$2,691

**Space Rental (e.g., for nutrition education classes, events): \$700**

For site fees for health fairs, community events, or farmers markets.

- FFY 2014: \$50/site x 6 sites = \$300
- FFY 2015: \$50/site x 4 sites = \$200
- FFY 2016: \$50/site x 4 sites = \$200

**Peer Educators/Community Liaisons: \$19,540**

\$12 payment provided to each peer educator/community liaison for conducting nutrition education sessions, attending trainings, and assisting with nutrition education needs assessments. In FFY 2014, one peer educators/community liaison is budgeted per event. In FFY 2015 and 2016 peer educators/community liaisons will take more of an independent role, therefore three peer educators/community liaisons are budgeted per event.

- FFY 2014: 667 events x 1 peer educator/community liaison per event X \$12 = \$8,004 - \$2000 in kind = \$6,004
- FFY 2015: 204 events x 3 peer educator/community liaison per event X \$12 = \$7,344
- FFY 2016: 172 events x 3 peer educator/community liaison per event X \$12 = \$6,192

**INDIRECT COSTS**

**Indirect Costs**

Indirect costs are calculated at 23.79% of Modified Direct Costs (i.e. total direct costs less subcontractors and equipment) using the Simplified Allocation Method and include the facility costs, director's office, general agency costs, accounting costs, payroll services, janitorial services, insurance, audit, and depreciation costs.

- FFY 2014: \$45,082- \$4,580 in kind = \$40,502

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## Exhibit G. CDPH Special Terms and Conditions

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California Department of Public Health

Exhibit D

### Special Terms and Conditions

*(For federally funded Grant agreements)*

The use of headings or titles throughout this exhibit is for convenience only and shall not be used to interpret or to govern the meaning of any specific term or condition.

The terms "Grantee" and "SubGrantee" shall also mean, "agreement", "grant", "grant agreement", "Grantee" and "Subgrantee" respectively.

The terms "California Department of Public Health" and "CDPH" shall have the same meaning and refer to the California State agency that is a party to this Agreement.

This exhibit contains provisions that require strict adherence to various contracting laws and policies.

### Index of Special Terms and Conditions

- |    |  |
|----|--|
| 1. | Federal Contract Funds                             |
| 2. | Federal Equal Employment Opportunity Requirements  |
| 3. | Debarment and Suspension Certification             |
| 4. | Covenant Against Contingent Fees                   |
| 5. | Air or Water Pollution Requirements                |
| 6. | Lobbying Restrictions and Disclosure Certification |
| 7. | Additional Restrictions                            |



California Department of Public Health - Special Terms and Conditions

Exhibit D

**1. Federal Contract Funds**

(Applicable only to that portion of an agreement funded in part or whole with federal funds.)

- a. It is mutually understood between the parties that this Agreement may have been written before ascertaining the availability of congressional appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays which would occur if the Agreement were executed after that determination was made.
- b. This agreement is valid and enforceable only if sufficient funds are made available to the State by the United States Government for the fiscal years covered by the term of this Agreement. In addition, this Agreement is subject to any additional restrictions, limitations, or conditions enacted by the Congress or any statute enacted by the Congress which may affect the provisions, terms or funding of this Agreement in any manner.
- c. It is mutually agreed that if the Congress does not appropriate sufficient funds for the program, this Agreement shall be amended to reflect any reduction in funds.
- d. CDPH has the option to invalidate or cancel the Agreement with 30-days advance written notice or to amend the Agreement to reflect any reduction in funds.

**2. Federal Equal Opportunity Requirements**

(Applicable to all federally funded agreements entered into by the California Department of Public Health (CDPH) formerly known as California Department of Health Services (CDHS).)

- a. The Grantee will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era. The Grantee will take affirmative action to ensure that qualified applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin, physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and career development opportunities and selection for training, including apprenticeship. The Grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Federal Government or CDPH, setting forth the provisions of the Equal Opportunity clause, Section 503 of the Rehabilitation Act of 1973 and the affirmative action clause required by the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 4212). Such notices shall state the Grantee's obligation under the law to take affirmative action to employ and advance in employment qualified applicants without discrimination based on their race, color, religion, sex, national origin physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era and the rights of applicants and employees.
- b. The Grantee will, in all solicitations or advancements for employees placed by or on behalf of the Grantee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era.
- c. The Grantee will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice, to be provided by the Federal Government or the State, advising the labor union or workers' representative of the Grantee's commitments under the provisions herein and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d. The Grantee will comply with all provisions of and furnish all information and reports required by Section 503 of the Rehabilitation Act of 1973, as amended, the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 4212) and of the Federal Executive Order No. 11246 as amended, including by Executive Order 11375, 'Amending Executive Order 11246 Relating to Equal Employment Opportunity,' and as supplemented by regulation at 41 CFR part 60, "Office of the Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," and of the rules, regulations, and relevant orders of the Secretary of Labor.

- e. The Grantee will furnish all information and reports required by Federal Executive Order No. 11246 as amended, including by Executive Order 11375, 'Amending Executive Order 11246 Relating to Equal Employment Opportunity,' and as supplemented by regulation at 41 CFR part 60, "Office of the Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," and the Rehabilitation Act of 1973, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the State and its designated representatives and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- f. In the event of the Grantee's noncompliance with the requirements of the provisions herein or with any federal rules, regulations, or orders which are referenced herein, this Agreement may be cancelled, terminated, or suspended in whole or in part and the Grantee may be declared ineligible for further federal and state contracts in accordance with procedures authorized in Federal Executive Order No. 11246 as amended and such other sanctions may be imposed and remedies invoked as provided in Federal Executive Order No. 11246 as amended, including by Executive Order 11375, 'Amending Executive Order 11246 Relating to Equal Employment Opportunity,' and as supplemented by regulation at 41 CFR part 60, "Office of the Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- g. The Grantee will include the provisions of Paragraphs a through g in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Federal Executive Order No. 11246 as amended, including by Executive Order 11375, 'Amending Executive Order 11246 Relating to Equal Employment Opportunity,' and as supplemented by regulation at 41 CFR part 60, "Office of the Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," or Section 503 of the Rehabilitation Act of 1973 or (38 U.S.C. 4212) of the Vietnam Era Veteran's Readjustment Assistance Act, so that such provisions will be binding upon each subGrantee or vendor. The Grantee will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs or CDPH may direct as a means of enforcing such provisions including sanctions for noncompliance provided, however, that in the event the Grantee becomes involved in, or is threatened with litigation by a subGrantee or vendor as a result of such direction by CDPH, the Grantee may request in writing to CDPH, who, in turn, may request the United States to enter into such litigation to protect the interests of the State and of the United States.

### 3. Debarment and Suspension Certification

(Applicable to all agreements funded in part or whole with federal funds.)

- a. By signing this Agreement, the Grantee/Grantee agrees to comply with applicable federal suspension and debarment regulations including, but not limited to 7 CFR Part 3017, 45 CFR 76, 40 CFR 32 or 34 CFR 85.
- b. By signing this Agreement, the Grantee certifies to the best of its knowledge and belief, that it and its principals:
  - (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any federal department or agency;
  - (2) Have not within a three-year period preceding this application/proposal/agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in Paragraph b(2) herein; and
  - (4) Have not within a three-year period preceding this application/proposal/agreement had one or more public transactions (Federal, State or local) terminated for cause or default.

California Department of Public Health - Special Terms and Conditions

Exhibit D

- (5) Shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under federal regulations (i.e., 48 CFR part 9, subpart 9.4), debarred, suspended, declared ineligible, or voluntarily excluded from participation in such transaction, unless authorized by the State.
- (6) Will include a clause entitled, "Debarment and Suspension Certification" that essentially sets forth the provisions herein, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- c. If the Grantee is unable to certify to any of the statements in this certification, the Grantee shall submit an explanation to the CDPH Program Contract Manager.
- d. The terms and definitions herein have the meanings set out in the Definitions and Coverage sections of the rules implementing Federal Executive Order 12549.
- e. If the Grantee knowingly violates this certification, in addition to other remedies available to the Federal Government, the CDPH may terminate this Agreement for cause or default.

**4. Covenant Against Contingent Fees**

(Applicable only to federally funded agreements.)

The Grantee warrants that no person or selling agency has been employed or retained to solicit/secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage, or contingent fee, except *bona fide* employees or *bona fide* established commercial or selling agencies retained by the Grantee for the purpose of securing business. For breach or violation of this warranty, CDPH shall have the right to annul this Agreement without liability or in its discretion to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such commission, percentage, and brokerage or contingent fee.

**5. Air or Water Pollution Requirements**

Any federally funded agreement and/or subcontract in excess of \$100,000 must comply with the following provisions unless said agreement is exempt under 40 CFR 15.5.

- a. Government Grantees agree to comply with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act [42 U.S.C. 1857(h)], section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).
- b. Institutions of higher education, hospitals, nonprofit organizations and commercial businesses agree to comply with all applicable standards, orders, or requirements issued under the Clean Air Act (42 U.S.C. 7401 et seq.), as amended, and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended.

**6. Lobbying Restrictions and Disclosure Certification**

(Applicable to federally funded agreements in excess of \$100,000 per Section 1352 of the 31, U.S.C.)

**a. Certification and Disclosure Requirements**

- (1) Each person (or recipient) who requests or receives a contract or agreement, subcontract, grant, or subgrant, which is subject to Section 1352 of the 31, U.S.C., and which exceeds \$100,000 at any tier, shall file a certification (in the form set forth in Attachment 1, consisting of one page, entitled "Certification Regarding Lobbying") that the recipient has not made, and will not make, any payment prohibited by Paragraph b of this provision.
- (2) Each recipient shall file a disclosure (in the form set forth in Attachment 2, entitled "Standard Form-LLL 'disclosure of Lobbying Activities'") if such recipient has made or has agreed to make any payment using nonappropriated funds (to include profits from any covered federal action) in connection with a contract, or grant or any extension or amendment of that contract, or grant, which would be prohibited under Paragraph b of this provision if paid for with appropriated funds.

## California Department of Public Health - Special Terms and Conditions

## Exhibit D

- (3) Each recipient shall file a disclosure form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affect the accuracy of the information contained in any disclosure form previously filed by such person under Paragraph a(2) herein. An event that materially affects the accuracy of the information reported includes:
- (a) A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered federal action;
  - (b) A change in the person(s) or individuals(s) influencing or attempting to influence a covered federal action; or
  - (c) A change in the officer(s), employee(s), or member(s) contacted for the purpose of influencing or attempting to influence a covered federal action.
- (4) Each person (or recipient) who requests or receives from a person referred to in Paragraph a(1) of this provision a contract or agreement, subcontract, grant or subgrant exceeding \$100,000 at any tier under a contract or agreement, or grant shall file a certification, and a disclosure form, if required, to the next tier above.
- (5) All disclosure forms (but not certifications) shall be forwarded from tier to tier until received by the person referred to in Paragraph a(1) of this provision. That person shall forward all disclosure forms to CDPH Program Contract Manager.

## b. Prohibition

Section 1352 of Title 31, U.S.C., provides in part that no appropriated funds may be expended by the recipient of a federal contract or agreement, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered federal actions: the awarding of any federal contract or agreement, the making of any federal grant, the making of any federal loan, entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract or agreement, grant, loan, or cooperative agreement.

## 7. Additional Restrictions

(Applicable to all contracts funded in whole or in part with funding from the federal Departments of Labor, Health and Human Services (including CDC funding), or Education.)

Grantee shall comply with the restrictions under Division F, Title V, Section 503 of the Consolidated Appropriations Act, 2012 (H.R. 2055), which provides that:

"SEC. 503.(a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111-148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111-148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or

California Department of Public Health - Special Terms and Conditions

Exhibit D

tribal government in policymaking and administrative processes within the executive branch of that government.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control."

California Department of Public Health - Special Terms and Conditions

Exhibit D (F)

Attachment 1

STATE OF CALIFORNIA  
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH  
CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making, awarding or entering into of this Federal contract, Federal grant, or cooperative agreement, and the extension, continuation, renewal, amendment, or modification of this Federal contract, grant, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency of the United States Government, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities" in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontractors, subgrants, and contracts under grants and cooperative agreements) of \$100,000 or more, and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C., any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

|                         |   |
|-------------------------|---|
| _____                   | _____   |
| Name of Contractor      | Printed Name of Person Signing for Contractor |
| _____                   | _____   |
| Contract / Grant Number | Signature of Person Signing for Contractor    |
| _____                   | _____   |
| Date                    | Title   |

After execution by or on behalf of Contractor, please return to:

California Department of Public Health  
Network for a Healthy California  
Attn: Sarita Lee, Grant Manager  
1616 Capital Ave MS 7204  
PO Box 997377 MS 7204  
Sacramento, CA 95899-7377

CDPH reserves the right to notify the contractor in writing of an alternate submission address.

California Department of Public Health - Special Terms and Conditions

Exhibit D

Attachment 2

**CERTIFICATION REGARDING LOBBYING**  
Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure)

Approved by OIG  
and OIG

|  |  |  |
|--|--|--|
| <p>1. Type of Federal Action:<br/><input type="checkbox"/> a. contract<br/><input type="checkbox"/> b. grant<br/><input type="checkbox"/> c. cooperative agreement<br/><input type="checkbox"/> d. loan<br/><input type="checkbox"/> e. loan guarantee<br/><input type="checkbox"/> f. loan insurance</p>  | <p>2. Status of Federal Action:<br/><input type="checkbox"/> a. bid/offer/application<br/><input type="checkbox"/> b. initial award<br/><input type="checkbox"/> c. post-award</p> | <p>3. Report Type:<br/><input type="checkbox"/> a. initial filing<br/><input type="checkbox"/> b. material change<br/>For Material Change Only:<br/>Year _____ quarter _____<br/>date of last report _____</p> |
| <p>4. Name and Address of Reporting Entity:<br/><input type="checkbox"/> Prime<br/><input type="checkbox"/> Subwardsee Tier _____, if known:</p>   |  | <p>5. If Reporting Entity in No. 4 is Subwardsee, Enter Name and Address of Prime:</p>   |
| <p>6. Congressional District, if known:<br/>Federal Department/Agency</p>  |  | <p>7. Congressional District, if known:<br/>Federal Program Name/Description:</p>  |
| <p>8. Federal Action Number, if known:</p>   |  | <p>9. Awardee Number, if applicable:<br/>Award Amount, if known: \$ _____</p>  |
| <p>10.a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):</p>   |  | <p>b. Individuals Performing Services (including address if different from 10a. Last name, first name, MI):</p>  |
| <p>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the law above when this participation was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Required disclosure shall be subject to a RM NOLV limit \$100,000 for each such failure.</p> |  | <p>Signature: _____<br/>Print Name: _____<br/>Title: _____<br/>Telephone No.: _____<br/>Date: _____</p>  |
| <p>Federal Use Only</p>  |  | <p>Authorized for Local Reproduction<br/>Standard Form-LLL (Rev. 7-97)</p>   |

California Department of Public Health - Special Terms and Conditions

Exhibit D

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.



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## Exhibit H. CDPH Additional Provisions

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County of Sonoma    Department of Health Services  
13-20506

**Exhibit E  
Additional Provisions |**

**1. Additional Incorporated Documents**

- A. The following documents and any subsequent updates are not attached, but are incorporated herein and made a part hereof by this reference. These documents may be updated periodically by CDPH, as required by program directives. CDPH shall provide the Grantee with copies of said documents and any periodic updates thereto, under separate cover. CDPH will maintain on file, all documents referenced herein and any subsequent updates.
1. Network Local Projects *Network for a Healthy California* Guidelines Manual and any revisions thereto. (Revision October 2011)  
<http://www.cdph.ca.gov/programs/cpns/Pages/GuidelinesManual.aspx>
  2. *Network for a Healthy California* Program Letters and any revisions thereto.  
<http://www.cdph.ca.gov/programs/cpns/Pages/ProgramLetters.aspx>
  3. United States Department of Agriculture, Supplemental Nutrition Assistance Program Education (SNAP-Ed) Plan Guidance. (Revision Date FFY 2014)  
<http://snap.nal.usda.gov/snap/Guidance/FY2014SNAP-EdGuidance.pdf>
  4. *Network for a Healthy California* Local Health Department Funding Application Packet FFY 2014 – Including all the requirements and Attachments contained therein  
<http://www.cdph.ca.gov/programs/cpns/Pages/Network-LHDFAP2014.aspx>

**2. Cancellation / Termination**

- A. This agreement may be cancelled by CDPH without cause upon 30 calendar days advance written notice to the Grantee.
- B. CDPH reserves the right to cancel or terminate this agreement immediately for cause. The Grantee may submit a written request to terminate this agreement only if CDPH substantially fails to perform its responsibilities as provided herein.
- C. The term "for cause" shall mean that the Grantee fails to meet the terms, conditions, and/or responsibilities of this agreement. Causes for termination include, but are not limited to the following occurrences:
- 1) If the Grantee knowingly furnishes any statement, representation, warranty, or certification in connection with the agreement, which representation is materially false, deceptive, incorrect, or incomplete.
  - 2) If the Grantee fails to perform any material requirement of this agreement or defaults in performance of this agreement.
  - 3) If the Grantee files for bankruptcy, or if CDPH determines that the Grantee becomes financially incapable of completing this agreement.
- D. Agreement termination or cancellation shall be effective as of the date indicated in CDPH's notification to the Grantee. The notice shall stipulate any final performance, invoicing or payment requirements.
- E. In the event of early termination or cancellation, the Grantee shall be entitled to compensation for services performed satisfactorily under this agreement and expenses

County of Sonoma, Department of Health Services  
13-20506

**Exhibit E**  
**Additional Provisions**

incurred up to the date of cancellation and any non-cancelable obligations incurred in support of this agreement.

- F. In the event of termination, and at the request of CDPH, the Grantee shall furnish copies of all proposals, specifications, designs, procedures, layouts, copy, and other materials related to the services or deliverables provided under this agreement, whether finished or in progress on the termination date.
- G. The Grantee will not be entitled to reimbursement for any expenses incurred for services and deliverables pursuant to this agreement after the effective date of termination.
- H. Upon receipt of notification of termination of this agreement, and except as otherwise specified by CDPH, the Grantee shall:
  - 1) Place no further order or subgrants for materials, services, or facilities.
  - 2) Settle all outstanding liabilities and all claims arising out of such termination of orders and subgrants.
  - 3) Upon the effective date of termination of the agreement Grantee shall transfer, assign and make available to CDPH all property and materials belonging to CDPH, all rights and claims to any and all reservations, grants, and arrangements with owners of media/PR materials, or others, and shall make available to CDPH all written information regarding CDPH's media/PR materials, and no extra compensation is to be paid to Grantee for its services.
  - 4) Take such action as may be necessary, or as CDPH may specify, to protect and preserve any property related to this agreement which is in the possession of the Grantee and in which CDPH has or may acquire an interest.
- I. CDPH may, at its discretion, require the Grantee to cease performance of certain components of the Scope of Work as designated by CDPH and complete performance of other components prior to the termination date of the agreement.

**3. Travel and Per Diem Reimbursement**

Any reimbursement for necessary travel and per diem shall be at the rates currently in effect as established by the California Department of Human Resources (CalHR).

**4. Avoidance of Conflicts of Interest by Grantee**

- A. CDPH intends to avoid any real or apparent conflict of interest on the part of the Grantee, subgrants, or employees, officers and directors of the Grantee or subgrants. Thus, CDPH reserves the right to determine, at its sole discretion, whether any information, assertion or claim received from any source indicates the existence of a real or apparent conflict of interest; and, if a conflict is found to exist, to require the Grantee to submit additional information or a plan for resolving the conflict, subject to CDPH review and prior approval.

County of Sonoma Department of Health Services  
13-20506

**Exhibit E**  
**Additional Provisions**

- B. Conflicts of interest include, but are not limited to:
- 1) An instance where the Grantee or any of its subgrants, or any employee, officer, or director of the Grantee or any subgrant or has an interest, financial or otherwise, whereby the use or disclosure of information obtained while performing services under the grant would allow for private or personal benefit or for any purpose that is contrary to the goals and objectives of the grant.
  - 2) An instance where the Grantee's or any subgrant's employees, officers, or directors use their positions for purposes that are, or give the appearance of being, motivated by a desire for private gain for themselves or others, such as those with whom they have family, business or other ties.
- C. If CDPH is or becomes aware of a known or suspected conflict of interest, the Grantee will be given an opportunity to submit additional information or to resolve the conflict. A Grantee with a suspected conflict of interest will have five (5) working days from the date of notification of the conflict by CDPH to provide complete information regarding the suspected conflict. If a conflict of interest is determined to exist by CDPH and cannot be resolved to the satisfaction of CDPH, the conflict will be grounds for terminating the grant. CDPH may, at its discretion upon receipt of a written request from the Grantee, authorize an extension of the timeline indicated herein.

**5. Dispute Resolution Process**

- A. A Grantee grievance exists whenever there is a dispute arising from CDPH's action in the administration of an agreement. If there is a dispute or grievance between the Grantee and CDPH, the Grantee must seek resolution using the procedure outlined below.
- 1) The Grantee should first informally discuss the problem with the CDPH Program Grant Manager. If the problem cannot be resolved informally, the Grantee shall direct its grievance together with any evidence, in writing, to the program Branch Chief. The grievance shall state the issues in dispute, the legal authority or other basis for the Grantee's position and the remedy sought. The Branch Chief shall render a decision within ten (10) working days after receipt of the written grievance from the Grantee. The Branch Chief shall respond in writing to the Grantee indicating the decision and reasons therefore. If the Grantee disagrees with the Branch Chief's decision, the Grantee may appeal to the second level.
  - 2) When appealing to the second level, the Grantee must prepare an appeal indicating the reasons for disagreement with Branch Chief's decision. The Grantee shall include with the appeal a copy of the Grantee's original statement of dispute along with any supporting evidence and a copy of the Branch Chief's decision. The appeal shall be addressed to the Deputy Director of the division in which the branch is organized within ten (10) working days from receipt of the Branch Chief's decision. The Deputy Director of the division in which the branch is organized or his/her designee shall meet with the Grantee to review the issues raised. A written decision signed by the Deputy Director of the division in which the branch is organized or his/her designee shall be directed to the Grantee within twenty (20) working days of receipt of the Grantee's second level appeal.
- B. If the Grantee wishes to appeal the decision of the Deputy Director of the division in which the branch is organized or his/her designee, the Grantee shall follow the procedures set

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County of Sonoma, Department of Health Services  
13-20506

**Exhibit E**  
**Additional Provisions**

forth in Division 25.1 (commencing with Section 38050) of the Health and Safety Code and the regulations adopted thereunder. (Title 1, Division 2, Chapter 2, Article 3 (commencing with Section 1140) of the California Code of Regulations).

- C. Disputes arising out of an audit, examination of an agreement or other action not covered by subdivision (a) of Section 20204, of Chapter 2.1, Title 22, of the California Code of Regulations, and for which no procedures for appeal are provided in statute, regulation or the Agreement, shall be handled in accordance with the procedures identified in Sections 51016 through 51047, Title 22, California Code of Regulations.
- D. Unless otherwise stipulated in writing by CDPH, all dispute, grievance and/or appeal correspondence shall be directed to the CDPH Program Grant Manager.
- E. There are organizational differences within CDPH's funding programs and the management levels identified in this dispute resolution provision may not apply in every contractual situation. When a grievance is received and organizational differences exist, the Grantee shall be notified in writing by the CDPH Program Grant Manager of the level, name, and/or title of the appropriate management official that is responsible for issuing a decision at a given level.

## Exhibit I. Network Travel Reimbursement Information



State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

September 24, 2013

TO: PROJECT COORDINATORS  
NUTRITION EDUCATION AND OBESITY PREVENTION BRANCH  
(NEOPB) CONTRACTORS/GRANTEES

SUBJECT: PROGRAM LETTER: PL 13-11  
TRAVEL REIMBURSEMENT RATES FOR NEOPB  
CONTRACTORS/GRANTEES

This Program Letter 13-11 advises NEOPB Contractors and/or Grantees that effective September 1, 2013, a minor change took place for Per Diem reimbursement rates.

### New lodging and Per Diem Rates:

| County  | Lodging Rate             | Per Diem     | Rate    |
|---|--------------------------|--------------|---------|
| All counties and cities except as listed below                                | \$90 per night plus tax  | Breakfast:   | \$7.00  |
| Napa, Riverside and Sacramento  | \$95 per night plus tax  | Lunch:       | \$11.00 |
| Los Angeles, Orange, Ventura, Edwards AFB, excluding the city of Santa Monica | \$120 per night plus tax | Dinner:      | \$23.00 |
| San Diego, Monterey, Alameda, San Mateo, Santa Clara                          | \$125 per night plus tax | Incidentals: | \$5.00  |
| San Francisco County, City of Santa Monica                                    | \$150 per night plus tax |              |         |

These reimbursement rates are for travel on or after September 1, 2013. For all travel reimbursements prior to September 1, 2013, please continue to use the old travel reimbursement rates.

No formal amendments will be required on existing NEOPB agreements.

If you have any questions, please contact your assigned Contract/Grant Manager directly.

Melissa Meade  
Administrative Operations Section Chief  
Nutrition Education and Obesity Prevention Branch

**Exhibit J. Network Travel Reimbursement Information –  
Travel Rate Addendum**



State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

September 24, 2013

TO: PROJECT COORDINATORS  
NUTRITION EDUCATION AND OBESITY PREVENTION BRANCH  
(NEOPB) CONTRACTORS/GRANTEES

SUBJECT: PROGRAM LETTER: PL 13-11  
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| Napa, Riverside and Sacramento  | \$95 per night plus tax  | Lunch:       | \$11.00 |
| Los Angeles, Orange, Ventura, Edwards AFB, excluding the city of Santa Monica | \$120 per night plus tax | Dinner:      | \$23.00 |
| San Diego, Monterey, Alameda, San Mateo, Santa Clara                          | \$125 per night plus tax | Incidentals: | \$5.00  |
| San Francisco County, City of Santa Monica                                    | \$150 per night plus tax |              |         |

These reimbursement rates are for travel on or after September 1, 2013. For all travel reimbursements prior to September 1, 2013, please continue to use the old travel reimbursement rates.

No formal amendments will be required on existing NEOPB agreements.

If you have any questions, please contact your assigned Contract/Grant Manager directly.

Melissa Meade  
Administrative Operations Section Chief  
Nutrition Education and Obesity Prevention Branch

Nutrition Education & Obesity Prevention Branch, MS 7204 • P.O. Box 997377 • Sacramento, CA 95899-7377  
(916) 449-5400 • (916) 449-5414 FAX  
Internet Address: [www.cdph.ca.gov](http://www.cdph.ca.gov)

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## Exhibit K. Network Travel Reimbursement Information Mileage Addendum



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

January 17, 2013

TO: PROJECT COORDINATORS  
NUTRITION EDUCATION AND OBESITY PREVENTION BRANCH  
(NEOPB) CONTRACTORS/GRANTEES

SUBJECT: PROGRAM LETTER: PL 13-02  
MILEAGE REIMBURSEMENT RATE FOR  
NEOPB CONTRACTORS/GRANTEES

This Program Letter 13-02 advises NEOPB Contractors and/or Grantees that effective January 1, 2013, the mileage reimbursement rate increased from 55.5 cents per mile to 56.5 cents per mile. This mileage reimbursement rate is for travel on or after January 1, 2013. For all travel reimbursements prior to calendar year 2013, please continue to use the old rate of 55.5 cents per mile.

No formal amendment will be required on existing NEOPB agreements.

If you have any questions, please contact your assigned Contract Manager directly.

A handwritten signature in blue ink, appearing to read 'Gil Sisneros'.

Gil Sisneros  
Assistant Branch Chief of Administration  
Nutrition Education and Obesity Prevention Branch

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Nutrition Education and Obesity Prevention Branch, MS 7204 • P.O. Box 997377 • Sacramento, CA 95899-7377  
(916) 449-5400 • (916) 449-5414 FAX  
Internet Address: [www.cdph.ca.gov](http://www.cdph.ca.gov)



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 18**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors of the County of Sonoma, Board of Directors of the Sonoma County Water Agency, Board of Commissioners of the Community Development Commission, Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, and Board of Directors of the Northern Sonoma County Air Pollution Control District

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Human Resources

**Staff Name and Phone Number:**

Janie Carduff (707) 565-3473

**Supervisorial District(s):**

N/A

**Title:** Miscellaneous Classification and Compensation Changes

### **Recommended Actions:**

Approve Concurrent Resolution amending Salary Resolution No. 95-0926, Appendix A - Salary Tables to delete the Agricultural Preservation and Open Space District management classification of OSD Community Relations Manager; amending the Memorandum of Understanding between the County and SEIU Local 1021, Appendix A – Salary Tables to add the revised and re-titled classification of OSD Community Relations Specialist and set the salary at \$7,189, monthly I step, effective December 3, 2013.

Approve Resolution amending the Department Allocation List for the U.C. Cooperative Extension Department to delete 1.0 Full Time Equivalent (F.T.E.) Public Information Specialist allocation and to add 1.0 F.T.E. Department Analyst allocation, effective December 3, 2013.

### **Executive Summary:**

#### **Agricultural Preservation and Open Space District**

**OSD Community Relations Manager:** the Agricultural Preservation and Open Space District General Manager requested that Human Resources review and update the job specification for OSD Community Relations Manager, stating that the position had changed over time. The reporting structure was changed when the District went through a Board approved reorganization in 2008. Subsequently the Program Manager position, to which the studied position reports, took on the overall responsibility for setting community relations, policy direction, job duties formally performed by the OSD Community Relations Manager. Human Resources conducted the classification study and confirmed that the scope and responsibilities of the OSD Community Relations Manager position have decreased. As a result of this review, Human Resources recommends that the classification of OSD Community Relations Manager be revised and re-titled to OSD Community Relations Specialist.



Additionally, while unusual, Human Resources determined that the decrease in the position's scope warranted a review of its bargaining unit placement and also its salary.

Bargaining Unit Determination: Pursuant to the County's Employee Relations Policy, Human Resources determined that the revised and re-titled classification of OSD Community Relations Specialist be re-allocated from the Salary Resolution Management Unit - 0050 to SEIU Local 1021 Services & Technical Support Non-Supervisory Unit – 0005.

Salary Recommendation: Human Resources reviewed the external market and found that there was an insufficient number of matches to set the new salary externally. Human Resources determined the salary should be set internally and reviewed a variety of compensable factors for the re-titled OSD Community Relations Specialist.

Based on this review, the Agricultural Preservation and Open Space District General Manager, the Human Resources Director, and the County Administrator's Office concur that the salary for the revised and re-titled classification should be reduced by 7% as the position is no longer functioning in a supervisory capacity, which places the salary at \$7,198 monthly I-step. This recommendation maintains internal equity, is consistent with the limited external market salary data, and achieves an appropriate differential between the OSD Program Manager and the OSD Community Relations Specialist.

Human Resources met and conferred with SEIU over the recommended salary, to which SEIU agreed.

The recommended salary represents an estimated total compensation (including benefits) of \$11,972/monthly I-step, which is \$901 less per month than the current monthly I-step of \$12,873.

**U.C. Cooperative Extension**

**Public Information Specialist:** At the request of the incumbent and the U.C. Cooperative Extension, Human Resources conducted a classification study of one Public Information Specialist. Based on the overall delegated authority assigned to the position, Human Resources determined the incumbent was responsible for activities most consistent with the job classification of Department Analyst. The Civil Service Commission approved the reclassification of one Public Information Specialist to Department Analyst and the promotion of the incumbent pursuant to Civil Service Rule 3.3B, at its November 7, 2013, meeting.

**Prior Board Actions:**

Throughout the year, each year, the Human Resources Department submits several Miscellaneous Classification and Compensation Board Items. The items contained in these reports have received Civil Service Commission approval as appropriate, and require Board approval in order to be fully adopted and implemented.

**Strategic Plan Alignment**      Goal 4: Civic Services and Engagement

| Fiscal Summary - FY 13-14  |   |                       |                       |
|--|---|-----------------------|-----------------------|
| Expenditures   |   | Funding Source(s)     |                       |
| Budgeted Amount  | \$                                      |                       | \$                    |
| Add Appropriations Req'd.  | \$                                      | State/Federal         | \$                    |
|  | \$                                      | Fees/Other            | \$                    |
|  | \$                                      | Use of Fund Balance   | \$                    |
|  | \$                                      | Contingencies         | \$                    |
|  | \$                                      |                       | \$                    |
| <b>Total Expenditure</b>   | <b>\$</b>                               | <b>Total Sources</b>  | <b>\$</b>             |
| <b>Narrative Explanation of Fiscal Impacts (If Required):</b>  |   |                       |                       |
| <p>The net effect of the salary adjustments associated with these recommendations is an estimated total expenditure of \$3,634 for FY 2013-14, and the departments have incorporated the applicable costs/savings into their budgets. The impacts for this fiscal year and ongoing fiscal impacts for each respective department are as follows:</p> <p><b>Agricultural Preservation and Open Space District/Reclassification and Salary Reduction of OSD Community Relations Manager:</b> Estimated savings of \$6,422 for FY 2013-2014, and an estimated ongoing savings of \$10,814 annually.</p> <p><b>U.C. Cooperative Extension/Reclassification of Public Information Specialist:</b> The estimated cost of the salary adjustment is \$10,056 for FY 2013-2014, and an estimated ongoing annual cost of \$18,039. The U.C. Cooperative Extension has incorporated the applicable costs into its budget.</p> |   |                       |                       |
| <b>Staffing Impacts</b>  |   |                       |                       |
| Position Title<br>(Payroll Classification)   | Monthly Salary<br>Range<br>(A – I Step) | Additions<br>(Number) | Deletions<br>(Number) |
| OSD Community Relations Manager  | \$6,367.46 - 7,739.74                   | 0                     | 1                     |
| OSD Community Relations Specialist   | \$5,922 – 7,199                         | 1                     | 0                     |
| Public Information Specialist  | \$4,055.97 - 4,930.82                   | 0                     | 1                     |
| Department Analyst   | \$5,134.32 - 6,242.23                   | 1                     | 0                     |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b>  |   |                       |                       |
| <p><b>Agricultural Preservation and Open Space District</b> – Effective December 3, 2013, reallocate one vacant position of OSD Community Relations Manager to OSD Community Relations Specialist.</p> <p><b>U.C. Cooperative Extension/Reclassification of Public Information Specialist:</b> Effective December 3, 2013, one incumbent will be reclassified to Department Analyst in accordance with Civil Service Rule 3.3B.</p>  |   |                       |                       |

**Attachments:**

Attachment A – OSD Community Relations Manager Job Specification Update and Salary Recommendation with revised specification.

Attachment B - Concurrent Resolution with Exhibit A & B.

Attachment C - Resolution Amending the Department Position Allocation List for the U.C. Cooperative Extension.

**Related Items “On File” with the Clerk of the Board:**

1. Public Information Specialist, Report to the Civil Service Commission.



DATE: December 3, 2013

TO: Board of Directors - Sonoma County Agricultural Preservation and Open Space District,

FROM: golbou ghassemieh, Recruitment and Classification Manager

RE: Job Specification Update and Salary Recommendation:  
OSD Community Relations Manager

CC: Christine Williams, Jennifer M. Murray, Chris Thomas, Bill Keene, Karen Gaffney,  
Mary Dodge, Wendy Macy, Christina Cramer, Spencer Keyword, Deena Thompson-  
Stalder, Carol Allen, Kim Murphy.

### **Job Specification Update Request**

As approved by the Board of Directors, a reorganization of the District created four program areas: Planning, Acquisition, Stewardship, and Administration. As a result, the OSD Community Relations Manager position is now assigned to the Planning Division, and will report to a Program Manager, rather than directly to the General Manager. The Program Manager now oversees the development of public relations and communications strategies based on the District's Strategic and 3-Year Work Plans, and the extensive input received from the community during the planning processes. This was a function that was formerly performed by the OSD Community Relations Manager. The District requested that Human Resources revise the job specification for Community Relations Manager to reflect the revised reporting structure and job duties. The position of OSD Community Relations Manager is currently vacant, thus no incumbent is impacted.

### **Findings**

The studied position of OSD Community Relations Manager is the primary media liaison for the District, and coordinates and staffs the majority of the District's public information and community relations activities. The studied position works closely with the Program Manager in developing community relations priorities, strategies, and programs, and will work independently in carrying out assigned responsibilities within the established goals and priorities. The studied position does not have any direct reports.

### **Analysis of Current Classification**

The OSD Community Relations Manager job specification describes the position as one which supervises, plans, and implements the District's communications program to further public awareness of the Sonoma County Agricultural Preservation and Open Space District, and serves as the District's primary media representative and spokesperson. The Distinguishing Characteristics further describe the position as a management level job class responsible for all communications and community relations activities of the District, including planning, organizing, coordinating, and delivering information on a variety of programs, projects, and public information and educational activities of the District's land preservation program. This classification reports to the District's General Manager.



Typical duties include:

- Developing, planning, implementing and supervising the public information, media relations, outreach, and education activities of the District.
- Assisting in the development of a strategic plan for media, informational and educational programs relating to District program goals.
- Establishing positive working relationships with Boards, staff, news media, community groups, elected officials, schools, and other governmental agencies.
- Analyzing and evaluating communication needs based upon the public's interest and understanding of District programs and services.
- Developing District policies, guidelines, and procedures for communications and dissemination of information, internally and externally.
- Developing requests for proposals, contract development, and negotiations required to develop and deliver communications and information materials.
- Monitoring contract compliance and evaluating performance and work product.

The studied position is a journey level class with primary responsibility for the District's community relations and public information activities. The position will not, however, be responsible for formulating policies and priorities, nor have the delegated authority to manage the implementation of policies and programs. The job classification of Community Relations Manager currently does not accurately reflect the scope of work, responsibility level, and required qualifications of the District's community relations position.

### **Other Classifications Considered**

Typically, the OSD uses job classifications developed specifically for use only by the District. Human Resources reviewed the existing OSD job classifications. Each classification is focused on specific activities of the District, such as planning, land acquisition, and fiscal services. Human Resources determined the OSD Community Relations Manager is the District's only classification with a primary focus on community relations and public information.

### **Determination**

Human Resources determined that it was most appropriate to revise the job specification for the classification of OSD Community Relations Manager to reflect the current duties and responsibilities of the studied position. The job specification was updated to reflect that it is a journey level classification, rather than management level classification, as well as to reflect changes in reporting structure, and degree of supervision. Previously, the minimum qualifications required four years experience in the management of a communications program that included responsibility for program development and implementation. The minimum qualifications were changed to require only two years of full time professional experience in public relations and communications which includes liaison responsibilities with the media and representatives from community and civic groups, public agencies, and private organizations.



Human Resources further recommends that the Community Relations Manager classification be re-titled to OSD Community Relations Specialist, in order to accurately reflect the change from a managerial position to that of a professional.

The General Manager has reviewed these changes and agrees that the revised specification meets the needs of the District.

Although unusual, Human Resources determined that the changes to the job specification, which have taken this classification from management to non-management, necessitate a review of the classification's bargaining unit placement and salary. Pursuant to the County's Employee Relations Policy, HR Employee Relations staff determined that SEIU was the appropriate bargaining unit for the revised classification. The position is currently vacant, thus these changes do not impact an incumbent.

### **Salary**

Human Resources reviewed the external market and found that there was an insufficient number of matches to set the new salary externally. Human Resources determined the salary should be set internally and reviewed a variety of compensable factors for the re-titled OSD Community Relations Specialist.

Based on this review, the Agricultural Preservation and Open Space District General Manager, the Human Resources Director, and the County Administrator's Office concur that it is most appropriate for the salary for the revised and re-titled classification to be reduced by 7%, as the position is no longer functioning in a supervisory capacity.

The current salary is \$7,740/monthly I-step, and a 7% reduction places the salary at \$7,198 monthly I-step. This recommendation maintains internal equity, is consistent with the limited external market salary data, and achieves an appropriate differential between the OSD Program Manager and the OSD Community Relations Specialist.

Human Resources met and conferred with SEIU over the recommended salary, to which SEIU agreed.

The recommended salary represents an estimated total compensation (including benefits) of \$11,972/monthly I-step, which is \$901 less per month than the current monthly I-step of \$12,873.

### **Recommendations**

Adopt the revised and re-titled job specification of OSD Community Relations Specialist (formerly OSD Community Relations Manager).

Enclosure: OSD Community Relations Specialist job specification.

OSD COMMUNITY RELATIONS ~~MANAGER~~ SPECIALIST ~~SPECIALIST~~

Definition

Under ~~general~~ direction, ~~supervises,~~ plans, coordinates and implements the District's communications program linking public information, media relations, community outreach, and education activities, in order to further public awareness of the Sonoma County Agricultural Preservation and Open Space District. ~~;~~ Serves as the District's primary media representative and ~~spokesperson with~~ coordinates community relations efforts with District staff, community groups, civic groups, public agencies, and private organizations; and performs other duties as required.

Distinguishing Characteristics

This is a journey management level job classification responsible for ~~all~~ communications and community relations activities of the District, including planning, organizing, coordinating, and delivering information to the public on a variety of programs, projects, ~~and public information~~ and educational activities ~~of the District's land preservation program~~. This position reports to an OSD Program Manager ~~the District's General Manager~~.

The classification of OSD Community Relations Specialist differs from that of the OSD Program Manager in that the latter has overall responsibility for the development of public relations and communications strategies.

Typical Duties

Duties may include but are not limited to the following:

- ~~Develops~~ Coordinates, plans, and implements ~~and supervises~~ the public information, media relations, outreach, and education activities of the District.
- Assists ~~in~~ the development of a communications strategy ~~strategic plan~~ for media, informational, and educational programs in support of ~~relating to~~ District program goals.
- Establishes and maintains positive working relationships with Boards, the Advisory Committee, the Fiscal Oversight Commission, staff, news media, community groups, elected officials, schools, and other governmental agencies.
- Analyzes and evaluates communication needs based upon the public's interest, input, and understanding of District programs, and services, and identified ~~District priorities and objectives~~.
- Assists in the ~~D~~ developments of District policies, guidelines, and procedures for communications and dissemination of information, both internally and externally.
- Develops Requests for Proposals; ~~and, contract~~ development, and negotiates ~~ion~~ contracts required to develop and deliver communications and information materials ~~throughby~~

~~external resources and contractors~~; monitors contract compliance; ~~and~~ evaluates performance and work product.

- Prepares speeches, scripts, and other communications and informational material for public service and information purposes.
- Prepares correspondence in reply to public inquiries; ~~and~~ ~~consults~~ with Board, County Administrator, and other staff as needed to secure pertinent facts and information.

Drafts and distributes District news releases, presentations, District newsletter, announcements, fact sheets, and pamphlets; designs, develops, and maintains the District's website.

~~•~~

- Conducts presentations regarding District program and activities to a variety of community, governmental, industry, and special interest groups.
- ~~Arranges public ceremonies concerning District acquisitions; and volunteers; and plans and coordinates other recognition events; achievements tables events to educate the community on District activities.-~~
- ~~Manages the District's website.-~~

- Coordinates public outreach activities with appropriate members of District staff, Board, Fiscal Oversight Commission, and Authority and Advisory Committee; coordinates District signage acknowledging the District's participation in community projects.-

- Serves on industry, environmental, professional, and community committees and task forces as assigned to represent the District.

Monitors community relations' program expenditures and makes recommendations on budgetary needs including, but not limited to, District membership in community organizations.

Acts as the District's liaison with the Sonoma County Human Resources Department and Information Systems Department on ADA compliance.

- ~~Coordinates District signage acknowledging the District's participation in community projects.-~~

Knowledge and ~~Ability~~ Abilities

Knowledge of:

- ~~P~~ principles, techniques, and methods to plan, implement ~~develop~~, and coordinate a ~~local government~~ community relations/education and media liaison program; ~~and~~
- ~~Federal, state, and local environmental, conservation, and land use government programs and regulations;-~~



- ~~\_\_\_\_\_~~ District and County government programs, services, activities, regulations, and administrative procedures.;
- ~~\_\_\_\_\_~~ Principles, techniques, and methods of communication and community relations.;
- ~~\_\_\_\_\_~~ Correct English grammar, spelling, punctuation, and vocabulary.;
- ~~\_\_\_\_\_~~ Writing, editing, and publishing procedures.;
- ~~\_\_\_\_\_~~ Basic marketing concepts and practices.;
- ~~\_\_\_\_\_~~ Graphic display techniques and styles ~~and techniques~~ including PowerPoint, multimedia, and audiovisual presentations.;
- ~~\_\_\_\_\_~~ Request for Proposal (RFP) process.;
- ~~\_\_\_\_\_~~ Principles of contract development, negotiation, and administration.;
- ~~\_\_\_\_\_~~ modern office methods and procedures;
- ~~\_\_\_\_\_~~ Website maintenance; nagement.
- ~~\_\_\_\_\_~~ Social media coordination; -
- ~~\_\_\_\_\_~~ Brown Act requirements for public meetings; database, spreadsheet, and word processing applications.;

#### Ability to:

- ~~\_\_\_\_\_~~ ~~Develop, i~~implement, and coordinate an effective and responsive local government community relations and media liaison program.;
- ~~\_\_\_\_\_~~ Plan, organize, direct, and monitor the work of ~~professional staff and consultants;~~ -
- ~~\_\_\_\_\_~~ Read, understand, and apply applicable federal, state, and local laws, rules, and regulations.;
- ~~\_\_\_\_\_~~ Collect, organize, synthesize, and evaluate data and information from a variety of sources.;
- ~~\_\_\_\_\_~~ Understand and effectively communicate the District's mission, program activities, and policies in an understandable format.;
- ~~\_\_\_\_\_~~ Track relevant social, economic, and governmental trends and issues that may affect the District's program.;
- ~~\_\_\_\_\_~~ Write, edit, and direct the preparation of publications.;
- ~~\_\_\_\_\_~~ Handle a variety of public contact with courtesy and tact both on the telephone and in person.;
- ~~\_\_\_\_\_~~ Respond to inquiries and concerns from public.;
- ~~\_\_\_\_\_~~ Prepare a variety of written analyses, evaluation summaries, recommendations, speeches, scripts, correspondence, and reports.;
- ~~\_\_\_\_\_~~ Effectively ~~operate~~ use spreadsheet, database, word processing, and PowerPoint applications and/or computer terminal equipment; ~~including PowerPoint software used in public communications and presentations.~~
- ~~\_\_\_\_\_~~ Communicate effectively and persuasively, both orally and in writing.;
- ~~\_\_\_\_\_~~ Adhere to deadlines and short time constraints.;
- ~~\_\_\_\_\_~~ Maintain confidentiality of sensitive information.

#### Working Conditions:

Must be willing to work independently under general supervision and work extended hours including weekends and evenings as needed.

~~Mobility to use office tools and equipment and to physically respond in a range of weather conditions; vision to read printed materials and a computer screen; hearing and speech to~~

~~converse in person and over the phone. Stamina to work selected evenings and/or weekends and extended hours related to operation of the District.~~

#### Minimum Qualifications

**Education & Experience:** Any combination of education, training, and experience that would likely provide the required knowledge and ~~skills listed~~abilities. ~~Typically~~Normally, this would include equivalent to a college Bachelor's degree in communications, journalism, public relations, or public and/or business administration, and four two years of full time professional experience in public relations and communications which included liaison responsibilities with the media and representatives from community and civic groups, public agencies, and private organizations, in the management of a communications program that included responsibility for program development and implementation and extensive liaison responsibilities with the public and private sectors.

#### **License:** ÷

~~Possession of a valid driver's license.~~

Possession of a valid driver's license at the appropriate level including special endorsements, as required by the State of California, may be required depending upon assignment to perform the essential job functions of the position.

~~This is an exempt position.~~



County of Sonoma  
State of California

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Date: December 3, 2013

Item Number: \_\_\_\_\_  
Resolution Number: \_\_\_\_\_

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4/5 Vote Required

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**Concurrent Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, The Board Of Directors Of The Sonoma County Water Agency, The Board Of Commissioners Of The Community Development Commission, The Board Of Directors Of The Sonoma County Agricultural Preservation And Open Space District, And The Board Of Directors Of The Northern Sonoma County Air Pollution Control District amending Salary Resolution No. 95-0926, Appendix A - Salary Tables to delete the management classification of OSD Community Relations Manager; amending the Memorandum of Understanding between the County and SEIU Local 1021, Appendix A – Salary Tables to add the revised and re-titled classification of OSD Community Relations Specialist and set the salary at \$7,189, monthly I step, effective December 3, 2013.**

**Whereas**, Human Resources conducted a study of OSD Community Relations Manager and recommends the revised and re-titled job classification of OSD Community Relations Specialist, and;

**Whereas**, Human Resources determined in light of the revised and re-titled classification, pursuant to the County's Employee Relations Policy, that the revised and re-titled classification of OSD Community Relations Specialist be re-allocated from the Salary Resolution Management Unit - 0050 to SEIU Local 1021 Services & Technical Support Non-Supervisory Unit – 0005, and;

**Whereas**, Human Resources met and conferred with SEIU and agreed upon the salary for the re-titled OSD Community Relations Specialist as attached in Exhibit A, and;

**Whereas**, Human Resources reviewed the salary in light of the revised and re-titled job classification and recommends the salary be amended and reduced to salary range 3405, and;

**Whereas**, the Agricultural Preservation & Open Space District Department and the County Administrator's Office concurs with Human Resources recommendation to reduce the salary of OSD Community Relations Specialist.

**Now, Therefore, Be It Resolved** the job classification of OSD Community Relations Manager be re-titled to OSD Community Relations Specialist and that the Memorandum of Understanding, Salary Table, between the County and SEIU Local 1021, and the Salary Resolution 95-0926, Salary Table, be amended to reflect these changes as set forth in Exhibit B.

Resolution #

Date:

Page 2

**Supervisors:**

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**

LETTER OF AGREEMENT

COUNTY of SONOMA

AND

Service Employees International Union

Adoption by the Board of Directors of the Open Space District

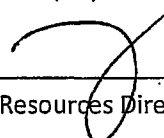
This Letter of Agreement entered into by Service Employees International Union Bargaining Unit, hereinafter referred to as "SEIU", and the County of Sonoma, hereinafter referred to as "County", has as its purpose to establish the salary range for the new class of OSD Community Relations Specialist, as outlined below.

1. OSD COMMUNITY RELATIONS SPECIALIST – 1297

| <u>CLASS</u> | <u>CLASS TITLE</u>                 | <u>SALARY RANGE</u> | <u>EFFECTIVE</u> |
|--------------|------------------------------------|---------------------|------------------|
| 1297         | OSD Community Relations Specialist | 3405                | 12/03/13         |

2. This Letter of Agreement sets forth the full and entire understanding of the parties regarding the matters set forth herein. Any other prior or existing understanding or agreements by the parties whether formal or informal regarding any such matters are hereby superseded or terminated in their entirety.
3. No agreement, understanding, variation, waiver or modification of any of the terms or provisions contained herein shall in any manner be binding upon the parties hereto unless made and executed in writing by the parties hereto and, if required, approved and implemented by the Board of Directors of the Open Space District.
4. The waiver of any breach, term or condition of this Letter of Agreement by either party shall not constitute a precedent in the future enforcement of all its terms and provisions.

Date: 11/1/13   
 Michael Vioria, Service Employee International Union

Date: 11/4/13   
 Wendy Macy, Human Resources Director

SALARY RESOLUTION 95-0926

Appendix A  
Salary Tables

**ADMINISTRATIVE MANAGEMENT – BARGAINING UNIT 0050**

| Job Code        | Job Title                                  | A-Step          |
|-----------------|--|-----------------|
| <del>1297</del> | <del>OSD Community Relations Manager</del> | <del>3661</del> |

SERVICE EMPLOYEES' INTERNATIONAL UNION LOCAL 1021

Appendix A

**SERVICE AND TECHNICAL SUPPORT NON-SUPERVISORY – BARGAINING UNIT 0005**

| Job Code | Job Title                          | A-Step |
|----------|------------------------------------|--------|
| 1297     | OSD Community Relations Specialist | 3405   |



County of Sonoma  
State of California

Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, amending the Department Allocation Table for the UC Cooperative Extension to delete 1.0 Full-Time Equivalent Public Information Specialist and to add 1.0 Full-Time Equivalent Department Analyst, effective December 3, 2013.**

**Whereas,** a classification study conducted by Human Resources concluded that the delegated authority and duties performed by one Public Information Specialist are most appropriately aligned with the job classification of Department Analyst, and;

**Whereas,** at the November 7, 2013, meeting, the Civil Service Commission reclassified the Public Information Specialist to Department Analyst, and promoted the incumbent in accordance with Civil Service Rule 3.3B.

**Now, Therefore, Be It Resolved** that the Allocation Table of the UC Cooperative Extension Department is hereby revised as follows:

| Budget Index | Job Class | Class Title                   | Existing Positions In Class | Change in Position Allocation | New Total Allocation For Class | Duration/End Date | Salary Range |
|--------------|-----------|-------------------------------|-----------------------------|-------------------------------|--------------------------------|-------------------|--------------|
| 697029       | 0902      | Public Information Specialist | 1.00                        | (-1.00)                       | 0.00                           | Ongoing           | 2332         |
| 697029       | 0826      | Department Analyst            | 1.00                        | 1.00                          | 2.00                           | Ongoing           | 2952         |

**Supervisors:**

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 19**  
(This Section for use by Clerk of the Board Only.)

**To:** Sonoma County Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Permit and Resource Management Department

**Staff Name and Phone Number:**

Sigrid Swedenborg 565-1914

**Supervisory District(s):**

Fourth

**Title:** Lot Line Adjustment between three (3) parcels under Williamson Act contract, File LLA13-0018

### Recommended Actions:

Approve a Resolution and Conditions of Approval for a Lot Line Adjustment between three parcels (2 APNs) for Ray Teldeschi, for property located at 9512 West Dry Creek Road, Healdsburg (APNs 139-140-002 and -003).

### Executive Summary:

Proposal: This is a request for a Lot Line Adjustment between three parcels; 8.5, 15.7, and 5.6 acres in size resulting in two parcels 10.5 and 19.3 acres in size subject to a Williamson Act Contract. The parcels are zoned LIA (Land Intensive Agriculture) with a 20 acre density. Combining zones are; Z (Second Unit Exclusion), BR (Biotic Resource), SR (Scenic Resources), F1 (Floodway), and VOH (Valley Oak Habitat). There will be no increase in development potential as a result of the Lot Line Adjustment. Two of the parcels are under one Williamson Act contract, a Type I prime contract recorded in 1974 (1-312-74; 2841/567).

Lot A is planted in vines and Lot B is developed with a single family residence, and an agricultural employee unit which is legal, non-conforming, a barn and is also planted with vines. The conditions of approval for the Lot Line Adjustment require that the newly configured lots must each be under a separate contract.

Normally a Lot Line Adjustment is approved administratively. However, since the parcels involved in the Lot Line Adjustment are under a Williamson Act contract they must be reviewed by the Board of Supervisors. The Board is requested to review the proposed Lot Line Adjustment, Williamson Act findings {Government Code Section 51257(a)}, the requirements of the Subdivision Map Act {Section 66412(d)}, and approve the requested Lot Line Adjustment.

CEQA: The project is exempt from CEQA under Section 15305, Minor Alterations in Land Use Limitations.

Consistency with Lot Line Adjustment Standards: The Lot Line Adjustment is consistent with County standards



for Lot Line Adjustments in that it provides suitable building sites; it provides for adequately sized septic fields; it provides for suitable water supply; the design of the lots achieves an acceptable and justifiable configuration fostering sound land use patterns; and it provides for legal access to a public right-of-way. It is consistent with General Plan and Zoning designations.

Williamson Act Consistency: To facilitate a Lot Line Adjustment, Gov. Code § 51257 permits the contracting parties to mutually agree to rescind the existing contract or contracts and to simultaneously enter into new contracts or contracts if the following findings can be made:

- a. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

Staff Comment: This finding can be made because the property owner has agreed to the requirement of the Conditions of Approval for the Lot Line Adjustment to rescind and replace the existing contracts and establish a contract on each newly configured parcel. The contracts will restrict the adjusted boundaries of each parcel for not less than 10 years, renewing automatically every January 1st. The uses of each parcel will be qualifying agricultural and compatible uses pursuant to the County's Uniform Rules for Agricultural Preserves. The rescission and replacement of the existing contract will require a separate and subsequent Board action to be scheduled for a later date.

- b. There is no net decrease in the amount of the acreage restricted, in fact there will be a 5.6 acre increase. In cases where parcels involved in a Lot Line Adjustment are subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

Staff Comment: The proposed lot sizes, 10.5 and 19.3 acres are consistent with the minimum 10 acre lot size requirement for a Type I Williamson Act contract. Once the Lot Line Adjustment deeds have recorded, the existing Type I Williamson Act contracts will be rescinded and replaced with new Type I contracts over each of the adjusted lots. Each lot will meet the requirement for income generation for a Type I contract. The area in vineyard is adequate to justify the inclusion of the land in a Williamson Act contract.

- c. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

Staff Comment: After the Lot Line Adjustment 100% of the land under the former contracts will be under the new Type I contracts.

- d. After the Lot Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

Staff Comment: Each parcel is more than 10 acres in size which is the minimum parcel size for a Type I Williamson Act Contract. All parcels will continue to be used as vineyard lands.

e. The Lot Line Adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

Staff Comment: At 10.5 and 19.3 acres in size, the parcels resulting from the Lot Line Adjustment will not compromise agricultural productivity. Each parcel meets the minimum parcel size for Type I Williamson Act Contracts. The reconfiguration of the contract boundaries to coincide with the new parcel boundaries will not result in adjacent lands being removed from contract. The parcels will be able to maintain their contractual obligations.

Lot A: The resultant parcel size is 10.5 acres with approximately 6 acres of existing vineyards.  
Lot B: The resultant parcel size is 19.3 acres with approximately 14 acres of existing vineyard.  
Gross income per acre from the vineyard is \$8,522 per acre.

Under the newly adopted Agricultural Preserve Rules, the minimum gross income requirements for vineyards is not less than \$1,000.00 per planted acre, therefore, this requirement is met.

f. The Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use.

Staff Comment: As a result of the Lot Line Adjustment, the parcels will be restricted by Williamson Act contract. Adjacent land is not expected to be affected by the Lot Line Adjustment in any way.

g. The Lot Line Adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.

Staff Comment: There is a 20 acre zoning density on the site, which would require 40 acres before there is any subdivision potential. With the resultant parcel sizes of 10.5 and 19.3 there will be no increase in development potential as a result of the Lot Line Adjustment.

h. All compatible uses of Section 8 of the Uniform Rules of Sonoma County are met because the primary residence and the legal non-conforming agricultural employee unit occupy less than 15% and 5 acres of the contracted land.

Staff recommendation: Staff recommends the Board find that all Government Code § 51257 findings are satisfied in connection with the proposed Lot Line Adjustment, and approve the proposed Lot Line Adjustment subject to the attached Conditions of Approval. The lots will continue to be devoted to a qualifying agricultural use. Conditions of Approval require that prior to recording the Grant Deed for the Lot Line Adjustment, the applicants shall submit the appropriate application and filing fees to rescind and replace the existing contract with two new prime (Type I) Williamson Act contracts. Once the Lot Line Adjustment grant deed is recorded, then the County can proceed with preparation of the new contracts, and include the new legal descriptions for the three parcels.

**Prior Board Actions:**

None

**Strategic Plan Alignment:** Goal 2: Economic and Environmental Stewardship

Land Conservation Contracts support agriculture and agribusiness by assisting in the preservation of agricultural land through the incentive of reduced property taxes in exchange for retaining the land in agricultural production.

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        | Select an item.      | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

There will be a net gain of 5.6 acres of land under contract. There will be an expected decrease in annual tax revenues from the new contract.

**Staffing Impacts**

| Position Title<br>(Payroll Classification) | Monthly Salary Range<br>(A – I Step) | Additions<br>(Number) | Deletions<br>(Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| Not applicable                             |                                      |                       |                       |
|  |                                      |                       |                       |

**Narrative Explanation of Staffing Impacts (If Required):**

Not Applicable

**Attachments:**

- Exhibit A: Draft Resolution
- Exhibit B: Conditions of Approval
- Exhibit C: Vicinity Map
- Exhibit D: Lot Line Adjustment Map
- Exhibit E: Assessor's Parcel Map

**Related Items "On File" with the Clerk of the Board:**

None



County of Sonoma  
State of California

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Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

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LLA13-0018 Sigrid Swedenborg

4/5 Vote Required

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**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,  
Granting The Request By Ray Teldeschi For A Lot Line Adjustment Between Three Parcels 8.5,  
15.7 and 5.6 acres In Size Resulting In Two Parcels; 10.5 and 19.3 Acres In Size With All Parcels  
Subject To Williamson Act Contracts Located At 9512 West Dry Creek Road, Healdsburg;  
APN's 139-140-002 and -003.**

**Whereas**, the applicant, Ray Teldeschi, filed an application with the Sonoma County Permit and Resource Management Department for a Lot Line Adjustment between three parcels 8.5, 15.7 and 5.6 acres in size resulting in two parcels; 10.5 and 19.3 acres in size subject to Williamson Act Contracts for properties located 9512 West Dry Creek Road, Healdsburg; APNs 139-140-002 and -003; Zoned LIA (Land Intensive Agriculture) with a 20 acre density. Combining zones are; BR (Biotic Resource), SR (Scenic Resources), F1 (Floodway), VOH (Valley Oak Habitat) and Z (Second Unit Exclusion) Supervisorial District No 4; and

**Whereas**, to facilitate a Lot Line Adjustment, Government Code Section 51257 authorizes parties to a Williamson Act Contract or contracts to mutually rescind the contract or contracts and simultaneously enter into a new contract or contracts, if certain findings are made by the Board of Supervisors; and

**Whereas**, Section 15305(a) of Title 14 of the California Code of Regulations (CEQA Guidelines) provides that minor Lot Line Adjustments are exempt from the California Environmental Quality Act; and

**Now, Therefore, Be It Resolved** that the Board of Supervisors makes the following findings consistent with Government Code Section 51257:

a. The new contract or contracts would enforce and restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

b. There is no net decrease in the amount of the acreage restricted, in fact there will be a 5.6 acre increase. In cases where parcels involved in a Lot Line Adjustment are subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts

is at least as great as the aggregate acreage restricted by the rescinded contracts.

c. After the Lot Line Adjustment 100% of the land under the former contracts will be under the new Type I contracts.

d. After the Lot Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222. Each parcel is more than 10 acres in size which is the minimum parcel size for a Type I Williamson Act Contract. All parcels will continue to be used as vineyard lands.

e. The Lot Line Adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts. At 10.5 and 19.3 acres in size, the parcels resulting from the Lot Line Adjustment will not compromise agricultural productivity. The reconfiguration of the contract boundaries to coincide with the new parcel boundaries will not result in adjacent lands being removed from contract. The parcels will be able to maintain their contractual obligations.

f. The Lot Line Adjustment will not result in the removal of adjacent land from agricultural use. Adjacent land is not expected to be affected by the Lot Line Adjustment in any way.

g. The Lot Line Adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan. There is a 20 acre zoning density on the site, which would require 40 acres before there is any subdivision potential. With the resultant parcel sizes of 10.5 and 19.3 acres in size, there will be no increase in development potential as a result of the Lot Line Adjustment.

**Be It Further Resolved** that the Board of Supervisors hereby finds that substantial evidence in the record before it supports the above findings, and further finds that the Lot Line Adjustment meets the requirements of the Subdivision Map Act and the Williamson Act; and

**Be It Further Resolved** that the Board of Supervisors grants the request for the Lot Line Adjustment subject to conditions as shown in Exhibit "A" for property located at 9512 West Dry Creek Road, Healdsburg; APNs 139-140-002, -003.

**Be It Further Resolved** that the Board of Supervisors finds that the project described in this resolution is exempt from the requirements of the California Environmental Quality Act by virtue of Section 15305 Class 5 of Title 14 of the California Code of Regulations (CEQA Guidelines) in that the project is a minor Lot Line Adjustment; and

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of

Resolution #13-  
December 3, 2013  
Page 3

proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

|        |       |          |           |          |
|--------|-------|----------|-----------|----------|
| Gorin: | Zane: | McGuire: | Carrillo: | Rabbitt: |
| Ayes:  | Noes: | Absent:  | Abstain:  |          |

**So Ordered.**

### Conditions of Approval

**Staff:** Sigrid Swedenborg  
**File No.:** LLA13-0018  
**APN:** 139-140-002 and -003  
**Address:** 9512 West Dry Creek Road, Healdsburg

**Date:** December 3, 2013  
**Applicant:** Ray Teldeschi  
**Owner:** Gary Teldeschi et al

**Project Description:** Request for a Lot Line Adjustment between three parcels; 8.5, 15.7, and 5.6 acres in size resulting in two parcels; 10.5 and 19.3 acres in size subject to a Williamson Act Contract.

---

NOTE: These conditions must be met and the application validated within 24 months (November 5, 2015) unless a request for an extension of time is received before the expiration date.

NOTE: The Lot Line Adjustment has been determined to be Categorically Exempt from CEQA (California Environmental Quality Act).

NOTE: The parcels are under Williamson Act contracts and therefore the Board of Supervisors has determined that the Lot Line Adjustment meets the findings set forth in Section 51257(a) of the Government Code.

The following conditions of approval must be completed before the deed may be recorded:

#### PLANNING:

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

1. Submit verification to Planning that taxes and/or assessments, which are a lien and termed as payable, are paid to the Treasurer-Tax Collector's Department on all parcels affected by the adjustment. The Treasurer-Tax Collector knows the amount of the tax due.
2. A draft description, prepared by a Licensed Land Surveyor or Civil Engineer authorized to practice land surveying, showing the combination of lots or transfer of property shall be submitted to the County Surveyor for approval. The following note shall be placed on the deed or deeds. "The purpose of this deed is for a Lot Line Adjustment for the combination of a portion of the Lands of Gary Teldeschi et al as described by deed recorded under Document No. 2010-025320, Sonoma County Records, APN 139-140-003, (comprised of two separate, legal parcels created by ACC10-0026 OR#2010045766 and ACC10-0027 OR#2010045767) with the Lands of Gary Teldeschi et al as described by deed recorded under Document No. 2010-025320, Sonoma County Records, APN 139-140-002, Sonoma County Records. This deed is pursuant to LLA13-0018 on file in the office of the Sonoma County Permit and Resource Management Department. It is the express intent of the signatory hereto that the recordation of this deed extinguishes any underlying parcels or portions of parcels." It is the responsibility of the surveyor/engineer preparing the deeds to insure that the information contained within the combination note is correct. Note: The County Surveyor may modify the above described note.
3. After approval by the County Surveyor, a grant deed or deeds shall be prepared and submitted to the Planning Division for approval prior to recording. An approval stamp will be placed on the face of the grant deed or deeds.
4. A site plan map of the Lot Line Adjustment shall be prepared by a Licensed Surveyor or Civil Engineer and attached to the deed(s) to be recorded. The site plan shall be subject to the review and approval of the County Surveyor. The following note shall be placed on said plan: "THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. Any errors or omissions on this exhibit shall not

affect the deed description.”

5. After approval of the deed description by the County Surveyor, a grant deed or deeds shall be prepared and submitted to the Permit and Resource Management Department for approval prior to recording.
6. Prior to recording the Lot Line Adjustment grant deed, the applicant shall submit complete applications and appropriate filing fees to rescind and replace the existing, prime (Type I) Williamson Act contract with two new, prime (Type I) Williamson Act contracts.
7. The property owners shall execute a Right-to-Farm Declaration on a form provided by PRMD to be submitted before the Lot Line Adjustment is cleared by PRMD for recordation. The Right-to-Farm Declaration shall be recorded concurrently with the PRMD approved Lot Line Adjustment grant deed(s) to reflect the newly configured parcels.
8. This “At Cost” entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.





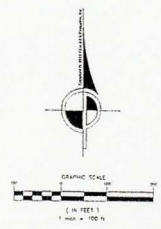
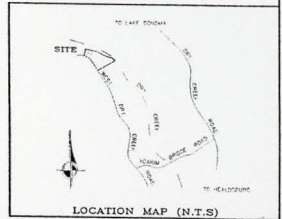
LANDS OF ADAMS UNDERWOOD, LLC  
APN 138-140-002  
DN 201-043320

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| 1.0  | N75°00'00"W | 20.00    |
| 1.1  | S75°00'00"W | 20.00    |
| 1.2  | S75°00'00"W | 15.00    |
| 1.3  | S75°00'00"W | 15.00    |
| 1.4  | S75°00'00"W | 15.00    |
| 1.5  | S75°00'00"W | 15.00    |
| 1.6  | S75°00'00"W | 15.00    |
| 1.7  | S75°00'00"W | 15.00    |
| 1.8  | S75°00'00"W | 15.00    |
| 1.9  | S75°00'00"W | 15.00    |
| 1.10 | S75°00'00"W | 15.00    |
| 1.11 | S75°00'00"W | 15.00    |
| 1.12 | S75°00'00"W | 15.00    |
| 1.13 | S75°00'00"W | 15.00    |
| 1.14 | S75°00'00"W | 15.00    |
| 1.15 | S75°00'00"W | 15.00    |
| 1.16 | S75°00'00"W | 15.00    |
| 1.17 | S75°00'00"W | 15.00    |
| 1.18 | S75°00'00"W | 15.00    |
| 1.19 | S75°00'00"W | 15.00    |
| 1.20 | S75°00'00"W | 15.00    |
| 1.21 | S75°00'00"W | 15.00    |
| 1.22 | S75°00'00"W | 15.00    |
| 1.23 | S75°00'00"W | 15.00    |

| PROJECT INFORMATION       |  |
|---------------------------|--|
| OWNER:                    | RAY TELESCH<br>4030 N DRY CREEK RD<br>HEALDSBURG, CA 92448 |
| PROJECT ADDRESS:          | 423-1036<br>HEALDSBURG, CA 92448                           |
| EXISTING PARCEL AND SIZE: | PROPOSED PARCEL AND SIZE:                                  |
| PARCEL A IS 4.5 ACRES     | PARCEL A IS 4.5 ACRES                                      |
| PARCEL B IS 15.7 ACRES    | PARCEL B IS 15.7 ACRES                                     |
| PARCEL C IS 6 ACRES       | PARCEL C IS 6 ACRES  |
| ADJOINING PORTIONS OF:    | ADJACENT PARCELS:  |
| 138-140-002 2.0 ACRES     | 138-140-002 2.0 ACRES                                      |
| 138-140-003 3.5 ACRES     | 138-140-003 3.5 ACRES                                      |
| 138-140-004 3.6 ACRES     | 138-140-004 3.6 ACRES                                      |
| 138-140-005 16.7 ACRES    | 138-140-005 16.7 ACRES                                     |
| EXISTING ZONING:          | U/LA 30 Z. 80 FT DR VDM                                    |
| WATER SERVICE:            | PRIVATE WELL   |
| SEWER SERVICE:            | PRIVATE SEPTIC   |

RECORD OF SURVEY  
458 MAPS 46-47

RECORD OF SURVEY  
751 MAPS 50-51



**LEGEND**  
 - - - - - INDICATES LINE TO BE REMOVED  
 ○ EXISTING GROUNDWATER WELL

**BASIS OF BEARINGS**  
 MASTED "W" BETWEEN TWO FOUND IRON PIPES TAGGED "LS 3774" AS SHOWN ON THAT RECORD OF SURVEY FILED IN BOOK 408 OF MAPS, PAGES 48-47, SONOMA COUNTY RECORDS.

**SURVEYOR'S STATEMENT**  
 THIS MAP REPRESENTS A FIELD SURVEY MADE BY ME OR UNDER MY DIRECTION IN MAY 2014 AND REPRESENTS THE VISUAL SURFACE CONDITIONS AS OF A FORESAID DATE.

*[Signature]*  
 George W. Brunner P.L.S. 4206  
 DATE: 5/20/13

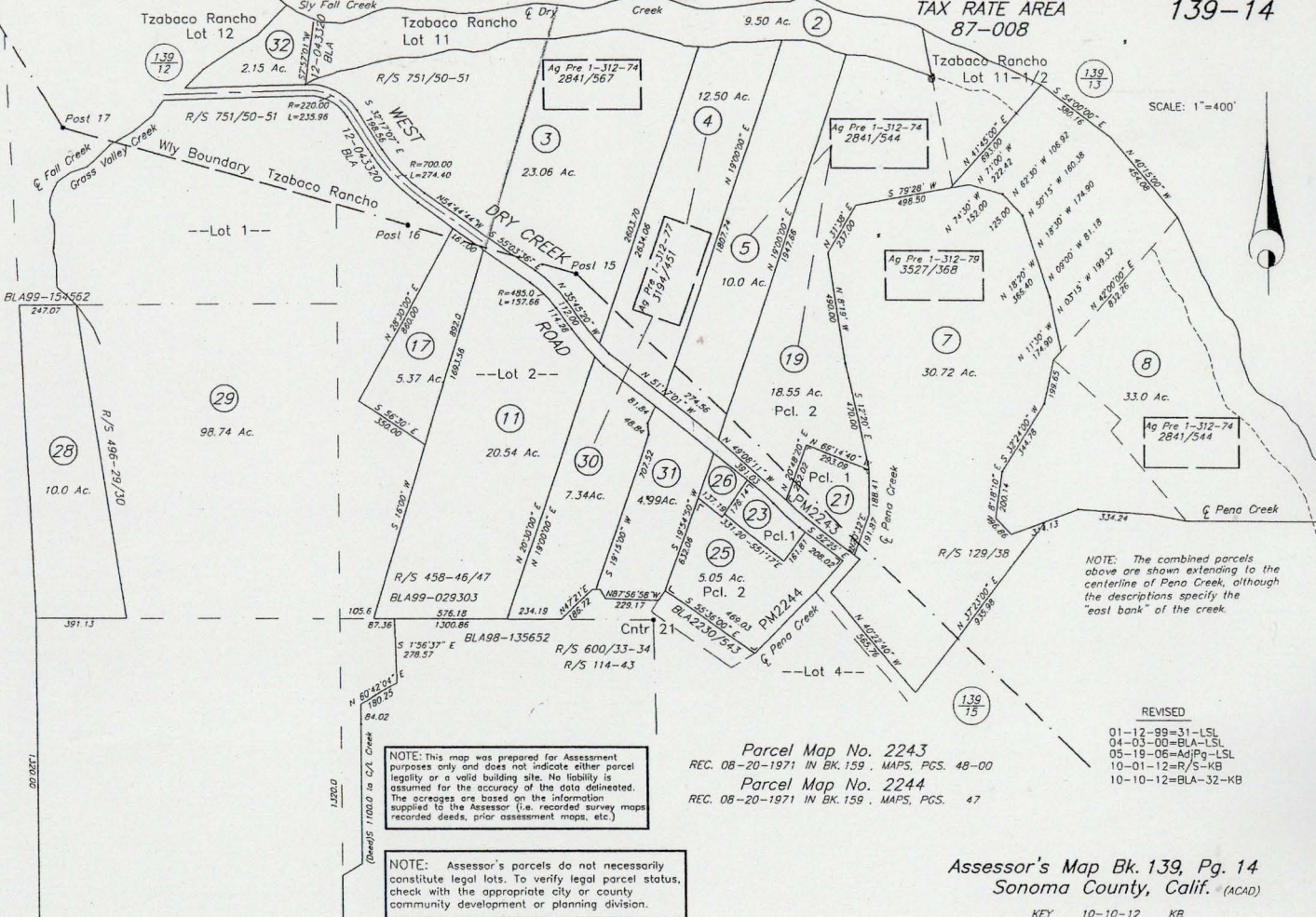


# COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA  
87-008

139-14

SCALE: 1"=400'



NOTE: The combined parcels above are shown extending to the centerline of Pena Creek, although the descriptions specify the "east bank" of the creek.

NOTE: This map was prepared for Assessment purposes only and does not indicate either parcel legality or a valid building site. No liability is assumed for the accuracy of the data delineated. The acreages are based on the information supplied to the Assessor (i.e. recorded survey maps, recorded deeds, prior assessment maps, etc.)

NOTE: Assessor's parcels do not necessarily constitute legal lots. To verify legal parcel status, check with the appropriate city or county community development or planning division.

Parcel Map No. 2243  
REC. 08-20-1971 IN BK. 159, MAPS, PGS. 48-50

Parcel Map No. 2244  
REC. 08-20-1971 IN BK. 159, MAPS, PGS. 47

REVISED  
01-12-99=31-LSL  
04-03-00=BLA-LSL  
05-19-06=44Pg-LSL  
10-01-12=R/S-KB  
10-10-12=BLA-32-KB

Assessor's Map Bk. 139, Pg. 14  
Sonoma County, Calif. (ACAD)

KEY 10-10-12 KB



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 20**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Permit and Resource Management Department

**Staff Name and Phone Number:**

Scott Hunsperger 565-2404

**Supervisorial District(s):**

First

**Title:** Lot Line Adjustment between two parcels under Williamson Act Contract, Foley Family Wines Inc.; LLA13-0002.

### **Recommended Actions:**

Adopt a Resolution and Conditions of Approval for a Lot Line Adjustment between two parcels owned by The Lands of Foley Family Wines Inc., for properties located at 26850 and 26888 Ramal Road, Sonoma; APN's 126-121-032 and -033.

### **Executive Summary:**

#### Proposal:

This is a request for a Lot Line Adjustment between two parcels 239.62 acres (Lot A) and 124.51 acres (Lot B) resulting in two parcels 259.29 acres (Lot A) and 104.84 acres (Lot B). Both parcels are zoned LIA (Land Intensive Agriculture) 60-acre density. Overlay zoning designations are Z (Second Unit Exclusion), SR (Scenic Resource), and VOH (Valley Oak Habitat). Lots A and B are under an existing prime (Type I) Williamson Act contract (1-242-72; Book 2606 of Records, Page 806). The purpose of the Lot Line Adjustment is to adjust property lines to coincide with an existing vineyard road and reservoir on Lot A.

Lot A contains a large commercial vineyard and reservoir with no residences or other buildings. Lot B also contains a large commercial vineyard with no residences or other buildings.

#### Williamson Act:

To facilitate a Lot Line Adjustment, Gov. Code Section 51257 permits the contracting party to rescind the existing contract and simultaneously enter into two new contracts because the following findings can be made:

a. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not

less than 10 years.

Staff Comment: This finding can be made because the property owner of Lots A and B has agreed to the requirement of the Conditions of Approval for the Lot Line Adjustment to rescind and replace the existing contract with two new contracts. The new contracts for resulting Lot A and B will remain to be for not less than 10 years, renewing automatically every January 1st. The recession and replacement of the existing contract will require a separate and subsequent Board action to be scheduled at a later date.

b. There is no net decrease in the amount of the acreage restricted. In cases where both parcels involved in the Lot Line Adjustment are subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

Staff Comment: This finding can be made because the Lot Line Adjustment will not result in any decrease in the aggregate acreage of land under contract as both parcels are currently subject to contract.

c. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

Staff Comment: This finding can be made because the Lot Line Adjustment results in 100% of existing Lot A and B to remain under new contracts. Overall, the land currently under contract will remain under contract.

d. After the Lot Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

Staff Comment: This finding can be made because the Lot Line Adjustment involves both parcels subject to a Williamson Act contract. Under the Lot Line Adjustment Lots A and B will continue to be large enough to sustain its agricultural use (commercial vineyard) and will continue to meet its respective contract-type's minimum parcel size requirement. Resulting Lot A will be 259.29 acres and Lot B will be 104.84 acres under a prime (Type I) contract that requires a minimum parcel size of 10 acres.

e. The Lot Line Adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

Staff Comment:

This finding can be made because the Lot Line Adjustment does not result in a decrease in the amount of land under Williamson Act contract because Conditions of Approval require that the existing contract on Lots A and B be rescinded and replaced with two new contracts, one for each of the resulting parcels. Lots A and B will continue to be in compliance with its Williamson Act contract because over 50% of the parcel is planted with a commercial vineyard (Pinot Noir and Chardonnay variety). Gross income per acre from the vineyard ranges from \$5,000.00 – \$6,000.00 per acre.

Under the newly adopted Agricultural Preserve Rules, the minimum gross income requirements are as follows:

Vineyard: Not less than \$1,000.00 per Planted Acre

Lot A and B will continue to conform to its prime (Type I) contract under the local Agricultural Preserve Rules and Regulations for minimum parcel size of 10 acres and minimum gross income requirement.

f. The Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use.

Staff Comment: The Lot Line Adjustment is minor in nature and will not affect adjacent lands or their agriculture uses.

g. The Lot Line Adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.

Staff Comment: The Lot Line Adjustment does not result in a greater number of developable parcels. Under their current General Plan land use designation of Land Intensive Agriculture 60 acres per dwelling unit, the two parcels are eligible for a subdivision into four new parcels. The parcels will still be eligible for a subdivision of a total of four parcels after the Lot Line Adjustment.

Staff recommendation:

Staff recommends the Board find that all Government Code Section 51257 findings are satisfied in connection with the proposed Lot Line Adjustment, and approve the proposed Lot Line Adjustment subject to the attached Conditions of Approval. Lots A and B will continue to be devoted to a qualifying agricultural use. Conditions of Approval require that prior to recording the Grant Deeds for the Lot Line Adjustment, the property owner of Lots A and B shall submit the appropriate applications and filing fees to rescind and replace the existing contract with two new prime (Type I) Williamson Act contracts. Once the Lot Line Adjustment grant deeds are recorded, then the County can proceed with preparation of the new contracts, and include the new legal descriptions for each parcel. Furthermore, both parcels involved in the Lot Line Adjustment are under the same land use and zoning designation and there is no increase in overall subdivision potential as a result of the Lot Line Adjustment, therefore, staff recommends approval.

**Prior Board Actions:**

None

**Strategic Plan Alignment**      Goal 2: Economic and Environmental Stewardship

The Board of Supervisors has endorsed the continuation of the County's agricultural preserve program to preserve a maximum amount of the limited supply of agricultural, open space, scenic, and critical habitat lands within the county, to discourage premature and unnecessary conversion of such lands to urban land uses, to promote vitality in the agricultural economy, and to ensure an adequate, varied, and healthy supply of food and fiber for current and future generations. The purpose of the Lot Line Adjustment is to improve the management of the existing vineyard on both parcels. In addition, the rescission and replacement of the current Williamson Act contract for both parcels will help facilitate

further agricultural investment and support agricultural viability and help preserve open space land in Sonoma County.

**Fiscal Summary - FY 13-14**

| <b>Expenditures</b>       |           | <b>Funding Source(s)</b> |           |
|---------------------------|-----------|--------------------------|-----------|
| Budgeted Amount           | \$        | County General Fund      | \$        |
| Add Appropriations Req'd. | \$        | State/Federal            | \$        |
|                           | \$        | Fees/Other               | \$        |
|                           | \$        | Use of Fund Balance      | \$        |
|                           | \$        | Contingencies            | \$        |
|                           | \$        |                          | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b>     | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

Both parcels are currently under a Williamson Act contract and will continue to remain under new replacement contracts. There should be no new fiscal impacts as a result of this action.

**Staffing Impacts**

| <b>Position Title</b><br>(Payroll Classification) | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|---|---|------------------------------|------------------------------|
|   |   |                              |                              |
|   |   |                              |                              |

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

- Att A: Draft Board of Supervisors Resolution
- Att B: Draft Conditions of Approval, Exhibit A to Resolution
- Att C: Proposal Statement
- Att D: Assessor’s Parcel Map
- Att E: Lot Line Adjustment Site plan

**Related Items “On File” with the Clerk of the Board:**

None.



# County of Sonoma

## State of California

Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

LLA13-0002 Scott Hunsperger

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Finding The Project Exempt From CEQA And Thereby Granting A Lot Line Adjustment And Williamson Act Contract To Foley Family Wines Inc., For Property Located At 26850 And 26888 Ramal Road, Sonoma; APN 126-121-032 And -033.**

**Whereas**, the applicant, Foley Family Wines Inc., filed a Lot Line Adjustment application with the Sonoma County Permit and Resource Management Department between two parcels of 239.62 acres (Lot A) and 124.51 acres (Lot B) resulting in two parcels of 259.29 acres (Lot A) and 104.84 acres (Lot B) , for property located at 26850 and 26888 Ramal Road, Sonoma; APN 126-121-032 and -033; Zoned LIA (Land Intensive Agriculture), B6-60 acre density, Z (Second Dwelling Unit Exclusion), Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat); Supervisorial District No 1; and

**Whereas**, the purpose of the Lot Line Adjustment is to adjust property lines to coincide with an existing vineyard road and reservoir on Lot A. Lots A and B are currently under a prime (Type I) Williamson Act contract.

**Whereas**, Government Code Section 51257 requires that the Board of Supervisors make certain findings before an existing Williamson Act Contract may be rescinded and replaced to facilitate a Lot Line Adjustment.

**Now, Therefore, Be It Resolved**, that the Board of Supervisors makes the following findings consistent with Government Code Section 51257:

1. The replacement contracts would enforce and restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract but for not less than 10 years.
2. There is no net decrease in the amount of the acreage restricted by a contract.
3. The Lot Line Adjustment results in 100 percent (100%) of the land under the original contract to remain restricted under the new Prime (Type I) contracts required as a Condition of Approval for the Lot Line Adjustment.



4. After the Lot Line Adjustment, the resultant parcels (Lots A and B) will remain large enough to sustain its agricultural use (commercial vineyard). Resultant Lots A and B will exceed the 10-acre minimum acreage requirement for a prime contract and will exceed the minimum gross income requirement of \$1,000 per acre gross income for vineyard land.
5. The Lot Line Adjustment does not compromise the long-term agricultural productivity of the parcels subject to contract. The purpose of the Lot Line Adjustment is to adjust property line boundaries to coincide with the existing vine rows and better manage the existing agricultural operation.
6. The Lot Line Adjustment is minor in nature and will not result in the removal of adjacent land from agricultural use. The land use and zoning designations on both parcels will remain as Land Intensive Agriculture, 60 acres per dwelling unit. The parcels will have the same subdivision potential before and after the Lot Line Adjustment.
7. Conditions of Approval require that prior to recording the Grant Deeds for the Lot Line Adjustment, the property owner of Lots A and B shall submit the appropriate applications and filing fees to rescind and replace the existing contract with two new prime (Type I) Williamson Act contracts. Once the Lot Line Adjustment grant deeds are recorded, then the County can proceed with preparation of the new contracts, and include the new legal descriptions for each parcel.

**Be It Further Resolved** that the Board of Supervisors hereby finds that substantial evidence in the record before it supports the above findings, and further finds that the Lot Line Adjustment meets the requirements of the above findings.

**Be It Further Resolved** that the Board of Supervisors finds that the project described in this Resolution is exempt from the requirements of the California Environmental Quality Act by virtue of Section 15305 Class 5 of Title 14 of the California Code of Regulations (CEQA Guidelines) in that the project is a minor Lot Line Adjustment.

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Be it Further Resolved** that the Board of Supervisors hereby grants the requested Lot Line Adjustment subject to the Conditions of Approval in Exhibit "A," attached hereto which includes a condition to rescind and replace the existing prime (Type I) Williamson Act Contract on Lots A and B.

Resolution #

Date: December 3, 2013

Page 3

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**

**SONOMA COUNTY BOARD OF SUPERVISORS**  
**Exhibit "A" To Resolution**

**Conditions of Approval**

|                   |                                    |                  |                      |
|-------------------|------------------------------------|------------------|----------------------|
| <b>Date:</b>      | December 3, 2013                   | <b>File No.:</b> | LLA13-0002           |
| <b>Applicant:</b> | Foley Family Wines, Inc.           | <b>APN:</b>      | 126-121-032 and -033 |
| <b>Address:</b>   | 26850 and 26888 Ramal Road, Sonoma |                  |                      |

**Project Description:** Request for a minor Lot Line Adjustment between two parcels of 239.62 acres (Lot A) and 124.51 acres (Lot B) resulting in two parcels of 259.29 acres (Lot A) and 104.84 acres (Lot B).

---

NOTE: Amendments and changes to approved Lot Line Adjustment conditions may be considered by the Board of Supervisors at a later date if additional information justifies the changes and does not increase the intensity of use approved by the original approval. The Director of the Permit and Resource Management Department will determine if a public hearing is necessary and if additional fees are required.

NOTE: These conditions must be met and the application validated within 24 months (December 3, 2015) unless a request for an extension of time is received before the expiration date.

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1. Submit verification to the Permit and Resource Management Department that taxes, which are a lien and termed as payable, are paid to the Treasurer/Tax Collector's Department on all parcels affected by the adjustment. The Treasurer/Tax Collector knows the amount of the tax due.
2. Submit a draft description of the parcel(s) being transferred to the County Surveyor for approval. The following note shall be placed on the deed or deeds: "The purpose of this deed is for a Lot Line Adjustment for the combination of a portion of the Lands of Foley Family Wines Inc., as described by Certificate of Compliance recorded under Document No. 2012-126919, Sonoma County Records, APN's 126-121-032 and portion of 126-121-033, with the Lands of Foley Family Wines Inc., as described by Certificate of Compliance recorded under Document No. 2012-126918, Sonoma County Records, APN portion of 126-121-033. This deed is pursuant to an application for a Lot Line Adjustment (LLA13-0002) on file in the office of the Sonoma County Permit and Resource Management Department. It is the express intent of the signators hereto that the recordation of this deed extinguishes any underlying parcels or portions of parcels." It is the responsibility of the surveyor/engineer preparing the deeds to insure that the information contained within the combination note is correct. Note: The County Surveyor may modify the above described note.
3. Deed of Trust agreements, which encumber only portions of accepted legal lots, are violations of the Subdivision Map Act; therefore, prior to Permit and Resource Management Department approval of the deed for recordation, the applicant shall submit either recorded documents or documents to be recorded concurrently with the Lot Line Adjustment deeds, showing that any Deed of Trust agreements on the subject properties will conform with the adjusted lot boundaries.
4. After approval of the deed description by the County Surveyor, a grant deed or deeds shall be prepared and submitted to the Permit and Resource Management Department for approval prior to recording.
5. The property owner(s) shall execute a Right-to-Farm Declaration on a form provided by PRMD to be submitted before the Lot Line Adjustment is cleared by PRMD for recordation. The Right-to-Farm Declaration shall be recorded concurrently with the PRMD approved Lot Line Adjustment

grant deed(s) to reflect the newly configured parcels.

6. A site plan map of the Lot Line Adjustment shall be prepared by a licensed surveyor or civil engineer and attached to the deed(s) to be recorded. The site plan shall be subject to the review and approval of the County Surveyor. The following note shall be placed on said plan: "THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. Any errors or omissions on this exhibit shall not affect the deed description."
7. Prior to PRMD stamping the grant deed(s) for the Lot Line Adjustment, the property owner of Lot A and B shall submit all application materials and applicable filing fees to rescind and replace the existing prime Type I Williamson Act contract with two new, prime Type I Williamson Act contracts on the resulting adjusted parcels. Once the Lot Line Adjustment grant deeds are recorded, PRMD can proceed with processing the new contracts.
8. On proposed Lots A and B, evidence of soils suitable for subsurface sewage disposal system for at least a one- bedroom system shall be provided to the Well and Septic Section. This will include, but not be limited to, soil profiles and percolation tests done in accordance with current standards of the Well and Septic Section of PRMD. The work must be certified by a State Registered Civil Engineer, Environmental Health Specialist or Geologist and refer to this Lot Line Adjustment number. This demonstration may be modified or waived by the District Specialist if the consultant can clearly demonstrate that adequate primary and reserve area is available.
9. Provide by means of a (topographic) Plot Plan drawn to a 1"=20' scale, that the proposed Lots A and B contains sufficient area to accommodate a one-bedroom private sewage disposal system and a 200% unencumbered future reserve area. If the parcel is not served by public water, the plan shall include the location of any existing and potential domestic well site(s). Location of neighboring wells and septic systems within 150 feet of the proposed lots must be shown, as well as existing and proposed driveways, grading cuts, and drainage ways. The plan is to be prepared by a registered Civil Engineer or Environmental Health Specialist. This demonstration may be modified or waived by the District Specialist if the consultant can clearly demonstrate that adequate primary and reserve area is available.



**HOGAN LAND SERVICES**  
A CALIFORNIA CORPORATION

December 19, 2012

County of Sonoma  
Permit & Resource Management Department  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Subject: Lot Line Adjustment  
APN: 126-121-032, 033

**PROPOSAL STATEMENT**

Please find attached Lot Line Adjustment application package for the referenced properties.

The reason for this Lot Line Adjustment is to conform the fee-title boundary with an existing lease.

The existing parcel sizes shall change as follows:

| <u>Owner</u>    | <u>APN#</u>                       | <u>Existing</u> | <u>Proposed</u> |
|-----------------|-----------------------------------|-----------------|-----------------|
| <b>LOT A</b>    | APN: portion<br>126-121-032, 033  | 239.62 acres    | 259.29 acres    |
| <b>LOT B</b>    | APN: portion<br>126-121-033       | 124.51 acres    | 104.84 acres    |
| <b>PARCEL A</b> | (AREA TO BE TRANSFERRED TO LOT A) |                 | 96.17 acres     |
| <b>PARCEL B</b> | (AREA TO BE TRANSFERRED TO LOT B) |                 | 76.50 acres     |

541 Farmers Lane  
Santa Rosa, CA 95405

phone (707) 544-2104  
fax (707) 522-2105

EXHIBIT C

# COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA  
158-091  
158-078

126-12

NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED THEREON.

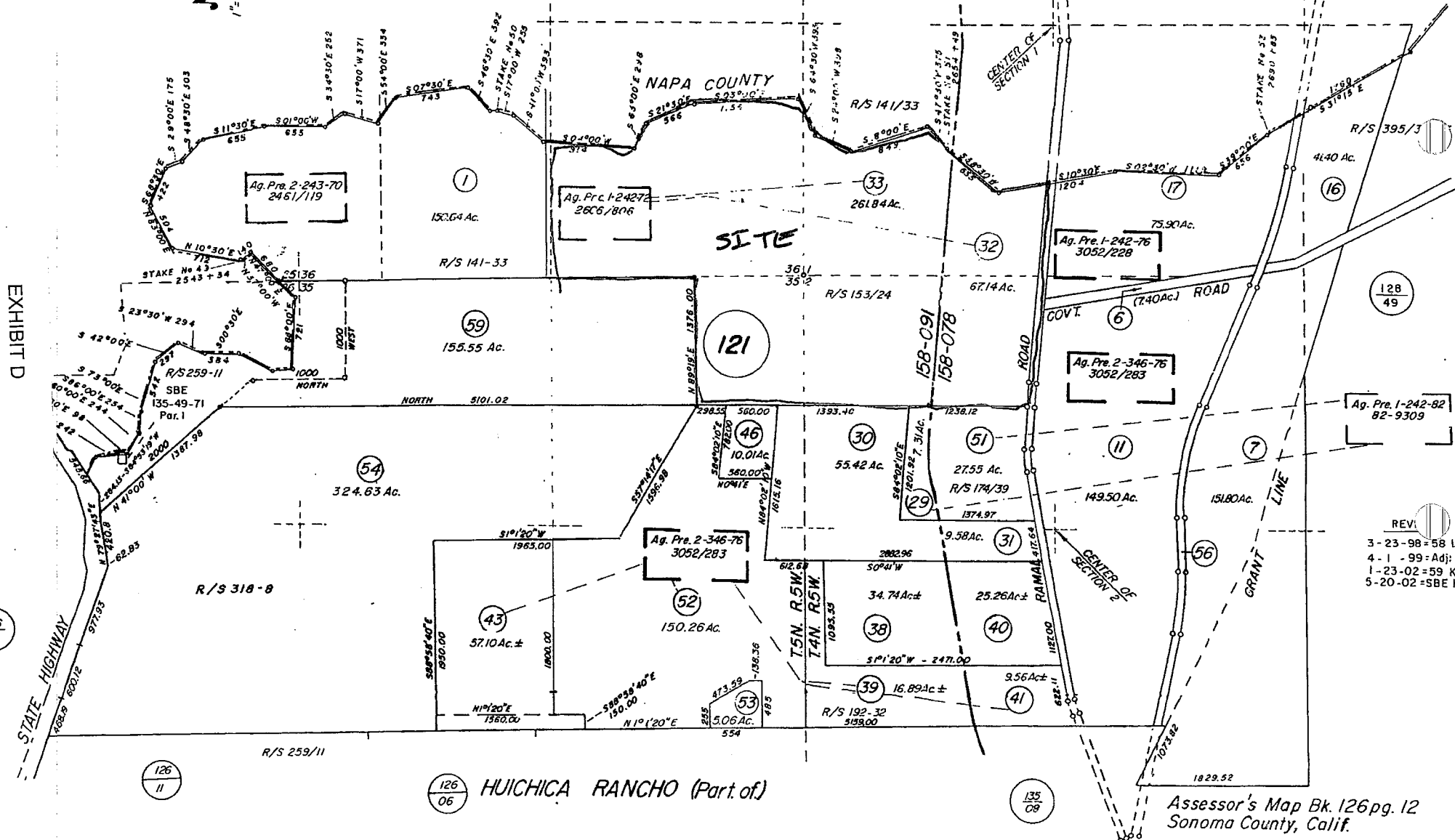
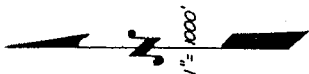


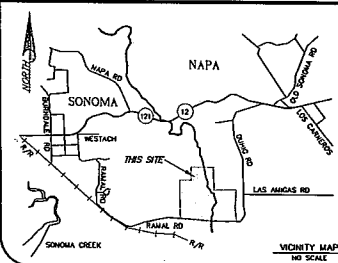
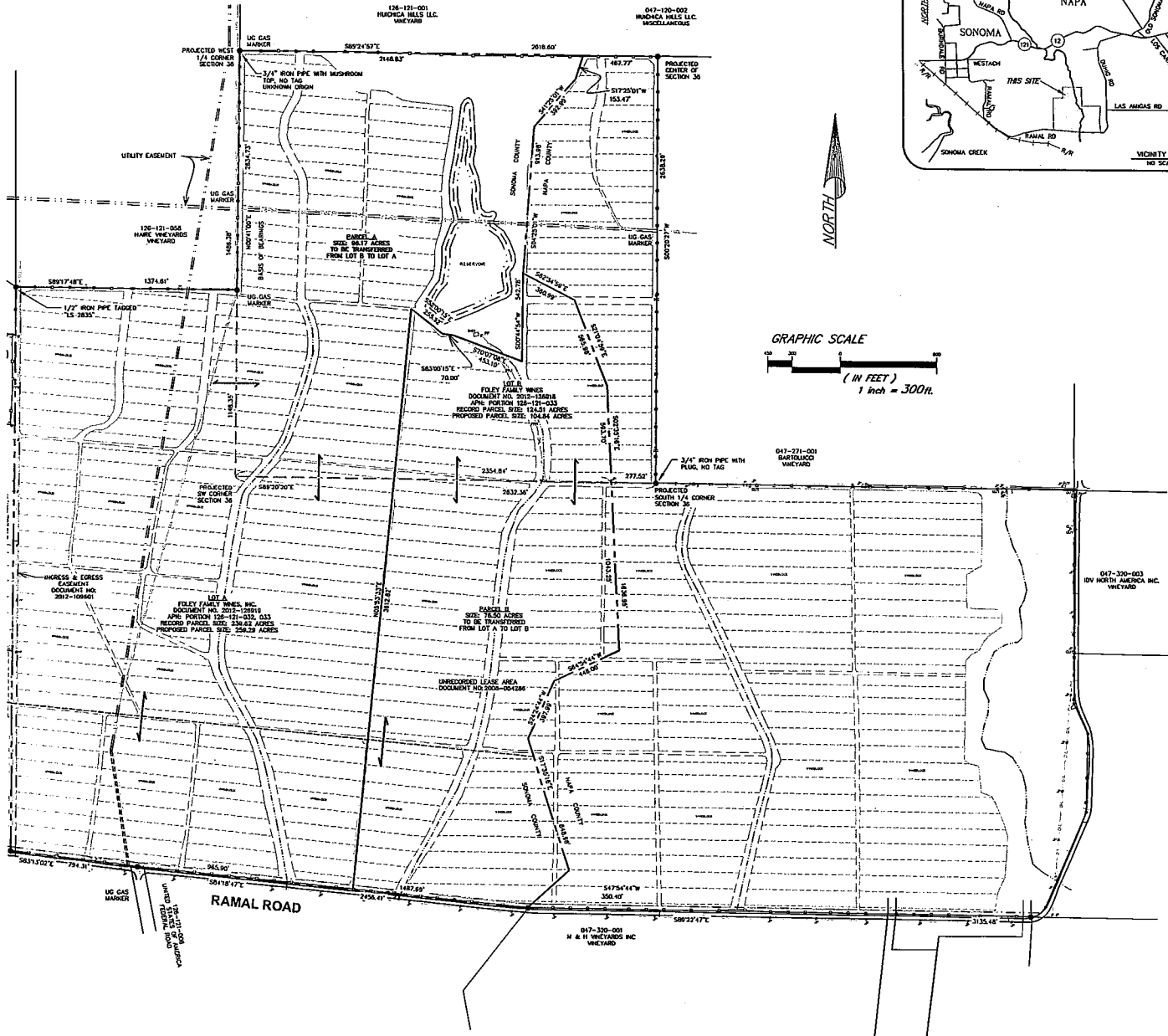
EXHIBIT D

REV:  
3-23-98=58 LSI  
4-1-99=Adj; RL  
1-23-02=59 KB  
5-20-02=SBE KB

126 06 HUICHICA RANCHO (Part of)

Assessor's Map Bk. 126 pg. 12  
Sonoma County, Calif.

- LEGEND**
- RECORD BOUNDARY LINE
  - RECORD ADJOINING BOUNDARY LINE
  - - - - BOUNDARY TO BE EXTINGUISHED
  - PROPOSED BOUNDARY LINE
  - ASSESSOR PARCEL LINE
  - RECORD EASEMENT LINE
  - WOOD FENCE
  - WIRE FENCE
  - OVERHEAD WIRE
  - 3/4" IRON PIPE TAGGED "LS 2835"
  - UTILITY POLE W/ CUY WIRE
  - ⊙ SEPTIC LID
  - ⊙ WELL
  - DN DOCUMENT NUMBER
  - APN ASSESSOR'S PARCEL NUMBER



**LOT A**  
FOLEY FAMILY WINES, INC.  
APN: PORTION 126-121-033, 032  
SE1/4, RAMAL ROAD  
DN: 2012-126919  
EXISTING SIZE: 239.62 AC.  
PROPOSED SIZE: 259.29 AC.  
108% OF FORMER SIZE

**LOT B**  
FOLEY FAMILY WINES, INC.  
APN: PORTION 126-121-033  
SE1/4, RAMAL ROAD  
DN: 2012-126918  
EXISTING SIZE: 124.51 AC.  
PROPOSED SIZE: 104.84 AC.  
84% OF FORMER SIZE

**PARCEL A**  
TO BE TRANSFERRED FROM  
LOT B TO LOT A  
SIZE: 96.17 AC.

**PARCEL B**  
TO BE TRANSFERRED FROM  
LOT A TO LOT B  
SIZE: 76.50 AC.

- NOTES:**
- THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY. BOUNDARY INFORMATION SHOWN IS PER RECORD DATA ONLY.
  - ALL TOPOGRAPHIC DATA SHOWN ON THIS MAP WAS PROVIDED BY A SURVEY PERFORMED BY MICHAEL W. BROOKS & ASSOCIATES.
  - HORIZONTAL CONTROL - BASIS OF BEARINGS BETWEEN FOUND 3/4" IRON PIPE WITH MUSHROOM TOP, NO TAG, AND 3/4" IRON PIPE TAGGED "LS 2835" AS SHOWN ON RECORD OF SURVEY 153 MAPS 24, SONOMA COUNTY RECORDS

HOGAN LAND SERVICE  
 A CALIFORNIA CORP.  
 541 PARKERS LANE  
 SONOMA, CA 94965  
 Tel (707) 544-3304  
 www.hogan.com

**LOT LINE ADJUSTMENT**  
 SONOMA A  
 RAMAL ROAD  
 SONOMA, CALIFORNIA

THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF CONSTITUTION WINES IN NOVEMBER, 2012  
 DATE: 11/27/12  
 JOB # ADAM S. RIVERA, PLS 7342



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 21**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Permit and Resource Management Department

**Staff Name and Phone Number:**

Scott Hunsperger 565-2404

**Supervisorial District(s):**

First

**Title:** Williamson Act Contract Amendment; Nelligan Rd, LLC; AGP08-0030.

### **Recommended Actions:**

Adopt a Resolution to rescind an existing Type II Williamson Act Contract and authorize the Chair of the Board of Supervisors to simultaneously enter into a new Type I Williamson Act Contract for 21.04 acres requested by Kimberly Hughes for Nelligan Rd, LLC; 2401 Nelligan Road, Glen Ellen; APN 051-180-013.

### **Executive Summary:**

Action Requested of the Board of Supervisors: For this application, Nelligan Rd, LLC seeks approval of a replacement Williamson Act contract for prime agricultural land (vineyards). Your Board is requested to adopt a resolution to rescind an existing Non-Prime contract and replace with a new Prime contract for a 21.04 acre parcel within Agricultural Preserve 2-337 and authorize the Chair to execute the replacement Williamson Act Contract and attached Land Conservation Plan.

Location, Zoning and Project Description: The project site is located in the Sonoma Valley at 2401 Nelligan Road, Glen Ellen. The project site is 21.04 acres with a well and 11.24 acres of vineyard (Zinfandel and Cabernet Sauvignon). There is an existing residence and agricultural storage building on the project site. The parcel is zoned LIA (Land Intensive Agriculture), B6-100 acre density with two combining districts of SR (Scenic Resource) and Z (Second Unit Exclusion)

Background: The original parcel subject to the Williamson Act contract established in 1971 was 160.23 acres. In 1993, the County granted Administrative Certificates of Compliance for three parcels of 130.23 acres, 10 acres, and 30 acres in size. Subsequently in 1996, the County approved a lot line adjustment which resulted in the current configuration of the subject 21.04 acre parcel. The current owners conduct a vineyard operation which is considered a prime agricultural use and it would be appropriate to keep this parcel in the Williamson Act program. The subject parcel is less than 40 acres and does not qualify for the existing Non-Prime contract due to substandard size. Earlier this year, the Board of Supervisors has initiated phase-out of undersized parcels and the subject parcel would have their Williamson Act



contract non-renewed. If the Board of Supervisors does not approve a replacement contract, the property will phase out of the program over the next nine years.

As part of the Board of Supervisors' December 2011 update of the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* ("Uniform Rules") eliminated the distinction between Prime (Type I) and Non-Prime (Type II) Agricultural Preserves. This allows the County to enter into either a Prime or Non-Prime contract in any established Preserve. The subject land at issue here is within an established Preserve (2-337).

Also as part of the update of the Uniform Rules, the County has implemented use of a Land Conservation Plan which is attached to and incorporated into a Williamson Act Contract. The Land Conservation Plans show locations of various agricultural, open space, permitted, and compatible land uses on contracted land. Future changes to the Land Conservation Plan may be approved by the Director of PRMD and recorded on title of the subject parcel.

Replacement Prime Land Conservation Contract (Williamson Act Contract) on land located within an existing Agricultural Preserve:

The Nelligan Rd LLC parcel qualifies for a Williamson Act contract for prime agricultural land for the following reasons:

- a) Land is within an Agricultural Preserve: The parcel is currently located within an Agricultural Preserve 2-237. No expansion of the existing Agricultural Preserve is necessary.
- b) Prime farmland: Contracts under 40 acres must be designated prime farmland. Prime agricultural land is defined as land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and meet the minimum income requirements. The parcel is planted with a relatively new vineyard that has produced the required income for the last two years, and it meets the definition of prime agricultural land.
- c) Minimum Parcel Size: The land must be at least 10 acres in size for a Prime Williamson Act contract.. The 21.04 acre parcel exceeds the 10-acre minimum parcel size for a new Prime Land Conservation Contract.
- d) Agricultural Use of the Land: The land must be devoted to agricultural use. In Sonoma County this means that at least 50% of the land is used for agriculture purposes. The parcel has 11.24 acres planted in vineyard and exceeds the 50% requirement.
- e) Non-Agricultural Compatible Uses: Non agricultural uses of the land must be listed in the Uniform Rules as compatible uses. The parcel is developed with a residence, an agricultural storage building, vineyards, and well. Such uses are listed as "compatible uses" in the "Uniform Rules." (rule 8.3)
- f) Minimum Income Requirement: For vineyard land, the minimum income requirement is \$1,000.00 per acre gross annual income. The vineyard operation generates an income ranging from \$855 to \$2,804 per acre gross annual income between the years of 2008 and 2012.

g) Single Legal Parcel Requirement: The land proposed for the contract is comprised of a single legal parcel.

**Staff Recommendation:** Staff recommends the Board of Supervisors approve the request because all of the state and local requirements for a Type I contract for the 21.04 acres within the existing Agricultural Preserve have been met.

**Prior Board Actions:**

On December 13, 2011, the Board approved the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Resolution No. 11-0678). In addition, this Board of Supervisors Resolution authorized PRMD to non-renew substandard sized parcels unless a replacement contract is obtained.

**Strategic Plan Alignment**      Goal 2: Economic and Environmental Stewardship

Land Conservation Contracts support agriculture and agribusiness by assisting in the preservation of agricultural land through the incentive of reduced property taxes in exchange for retaining the land in agricultural production.

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        | County General Fund  | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

Approval of the replacement Williamson Act contract means that the owner will continue to pay a reduced property tax assessment based upon the value of the agricultural uses rather than the land value under Proposition 13. This results in a reduction in the County's share of property tax revenue for each parcel under a Williamson Act contract. The amount of this reduction for an individual contract depends on parcel-specific variables including the Proposition 13 status of the land and the value of the agricultural crop, and is determined annually by the Assessor's office. The Board has not requested, and staff does not recommend, evaluating property tax revenue implications on a contract-by-contract basis. Instead, the Board has directed that, as a policy matter, approving new contracts is important to the County's agricultural economy and outweighs the cost in reduced property tax revenue.

| <b>Staffing Impacts</b>  |   |                              |                              |
|--|---|------------------------------|------------------------------|
| <b>Position Title</b><br>(Payroll Classification)  | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|  |   |                              |                              |
|  |   |                              |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b>  |   |                              |                              |
| N/A  |   |                              |                              |
| <b>Attachments:</b>  |   |                              |                              |
| Att A: Draft Board of Supervisors Resolution   |   |                              |                              |
| <b>Related Items “On File” with the Clerk of the Board:</b>  |   |                              |                              |
| Land Conservation Contract with attached Exhibit A (legal description) and Exhibit B (Land Conservation Plan with attached Site Plan). |   |                              |                              |



County of Sonoma  
State of California

Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

AGP08-0030 Scott Hunsperger

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving The Request By Nelligan Rd, LLC, c/o Kimberly Hughes, To 1) Rescind an Existing Williamson Act Contract and Replace It With a New Land Conservation Contract (Williamson Act Contract) and Attached Land Conservation Plan, and 2) Authorize the Chair to Execute the New Land Conservation Contract and Land Conservation Plan, For Prime Agricultural Land Located At 2401 Nelligan Road, Glen Ellen, APN 051-180-013.**

**Whereas**, a request has been made by property owners of Nelligan Rd, LLC, c/o Kimberly Hughes, to Authorize the Chair to rescind an existing Williamson Act Contract and replace it with a new Land Conservation Contract (Williamson Act Contract) and attached Land Conservation Plan, for prime agricultural land located at 2401 Nelligan Road, Glen Ellen, APN 051-180-013, Supervisorial District No. 1; and

**Whereas**, on December 13, 2011, the Board of Supervisors adopted the updated *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules)* (Resolution No. 11-0678); and

**Whereas**, consistent with the *Uniform Rules*, County Counsel has revised the Land Conservation Contract form, which now incorporates a Land Conservation Plan identifying the various uses of the contracted land. Future changes to identified land uses require amendment of the Land Conservation Plan. The Board, pursuant to Resolution No. 11-0678, has authorized the Director of PRMD to approve amendments to executed Land Conservation Plans; and

**Whereas**, the Board of Supervisors finds that the 21.04 acre parcel, is currently located in Agricultural Preserve 2-337, and presently meet the requirements for a new Prime (Type I) Land Conservation Contract.

**Now, Therefore, Be It Resolved** that the Board of Supervisors makes the following specific findings concerning the requirements for a new Prime (Type I) Land Conservation Contract ("Contract"):

1. As required by *Uniform Rule 4.2*, the land proposed to be restricted by the Contract is a single legal parcel, presently identified by APN 051-180-013; and

Resolution #

Date: December 3, 2013

Page 2

2. As required by *Uniform Rule 4.2*, the land proposed to be restricted by the Contract is currently located within a designated Agricultural Preserve (2-337); and
3. The land proposed to be restricted by the Contract is Prime farmland and is 21.04 acres in size, which exceeds the 10 acre minimum parcel size requirement for a Prime Land Conservation Contract under *Uniform Rule 4.2*; and
4. As required by *Uniform Rule 4.2*, the land proposed to be restricted by the Contract presently meets the minimum annual commercial agricultural income requirement of \$1,000.00 per acre gross for vineyard land under a Prime Land Conservation Contract; and
5. Consistent with *Uniform Rule 4.2*, the land is devoted to an agricultural use because more than 50% of the land is planted with a commercial vineyard, which is a prime agricultural use; and
6. All non-agricultural uses of the land are allowed as compatible uses in *Uniform Rule 8.0*, and consistent with Government Code Section 51238.1; and

**Be It Further Resolved**, that the Board of Supervisors finds the requested action categorically exempt from the California Environmental Quality Act pursuant to Section 15317, of the State CEQA Guidelines, which provides that executing a new Land Conservation Contract is exempt from the California Environmental Quality Act.

**Be It Further Resolved** that the Board of Supervisors hereby grants the request by Nelligan Rd, LLC, c/o Kimberly Hughes by approving rescission of the existing Type II contract and simultaneous replacement of that contract with a new Land Conservation Contract and attached Land Conservation Plan, to restrict the 21.04 acre parcel located at 2401 Nelligan Road, Glen Ellen, APN 051-180-013.

**Be It Further Resolved** that the Board of Supervisors authorizes the Chair of the Board of Supervisors to execute the Land Conservation Contract and attached Land Conservation Plan.

**Be It Further Resolved** that the Clerk of the Board of Supervisors is hereby instructed to record within 20 days and no later than December 31, 2013 (1) this Resolution and (2) the associated Land Conservation Contract and attached Land Conservation Plan with the Office of the Sonoma County Recorder; and

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based, including the original executed Contract and Land Conservation Plan. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

Resolution #

Date: December 3, 2013

Page 3

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 22**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Transportation and Public Works

**Staff Name and Phone Number:**

Thomas F. O’Kane, Jr., (707) 565-3585

**Supervisorial District(s):**

Fourth District

**Title:** West Dry Creek Road over Pena Creek Replacement Bridge (C01293)

### **Recommended Actions:**

Approve and authorize the Chair to sign an engineering design contract with OPAC Consulting Engineers, Inc. for the design of the replacement Bridge over the Pena Creek (C01293) in an amount not to exceed \$514,574 with a term ending December 31, 2016.

### **Executive Summary:**

The staff of the Department of Transportation and Public Works is requesting the Board approve and authorize the Chair to sign a design contract for the replacement of the West Dry Creek Road Bridge over Pena Creek to OPAC Consulting Engineers, Inc. for an amount not to exceed \$514,571, which includes a 10% contingency, with a term ending December 31, 2016. Services provided under the proposed agreement are analysis and design, environmental support, bid support and preparation of final plans, specifications and estimates.

This project will replace the existing structurally deficient two-lane West Dry Creek Road Bridge (Bridge No. 20C-0407) with a new two-lane bridge designed to meet current design standards including improvements to roadway approaches and appurtenant facilities. The NEPA and CEQA documents for this project will be prepared by PRMD environmental staff. The replacement bridge will comply with current roadway, drainage and bridge standards and accommodate the 100-year storm event with freeboard as specified by the County of Sonoma. Roadway improvements will conform to the County General Plan and Public Road Standards for the appropriate road classification including design speed, maximum grade and minimum centerline curve radius. Bridge improvements will conform to latest Caltrans specifications. Due to the low traffic volume on West Dry Creek Road, pedestrians, bicycles and vehicles will share the travel lanes and shoulders.

This project is 100% federally funded for preliminary engineering and eligible for 100% funding for right of way acquisition and construction. The total cost of the project is estimated to be \$4,000,000. If the project is not approved by the Board, the design of a new bridge will not proceed and the federal and

state funds spent to date will have to be returned to Caltrans.

The Department advertised a Request for Qualifications (RFQ) in a newspaper of general circulation and received 24 qualification statements from bridge consultants. The proposals were evaluated and ranked based on each consultant’s response to the following criteria: experience, project team and key staff, technical ability, relevant project experience, federal project experience and project approach. Local preference was not used in the selection of a consultant for this project as Federal guidelines do not allow for it. A short list of eight on-call consultants was created by the selection committee. From that list, OPAC Consulting Engineers was selected for this project because of their exhibited leadership in the engineering field for innovative design and key staff familiar with the project.

**Prior Board Actions:**

None.

**Strategic Plan Alignment**      Goal 3: Invest in the Future

This project addresses the need to replace aging County infrastructure.

**Fiscal Summary - FY 13-14**

| Expenditures              |                   | Funding Source(s)    |                   |
|---------------------------|-------------------|----------------------|-------------------|
| Budgeted Amount           | \$ 514,571        |                      | \$                |
| Add Appropriations Req'd. | \$                | State/Federal        | \$ 514,571        |
|                           | \$                | Fees/Other           | \$                |
|                           | \$                | Use of Fund Balance  | \$                |
|                           | \$                | Contingencies        | \$                |
|                           | \$                |                      | \$                |
| <b>Total Expenditure</b>  | <b>\$ 514,571</b> | <b>Total Sources</b> | <b>\$ 514,571</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

Appropriations are included in the FY 2013-14 Road Fund Bridge Index and is funded at 100% with toll credits.

**Staffing Impacts**

| Position Title<br>(Payroll Classification) | Monthly Salary<br>Range<br>(A – I Step) | Additions<br>(Number) | Deletions<br>(Number) |
|--|---|-----------------------|-----------------------|
|  |   |                       |                       |
|  |   |                       |                       |

**Narrative Explanation of Staffing Impacts (If Required):**

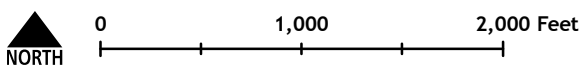
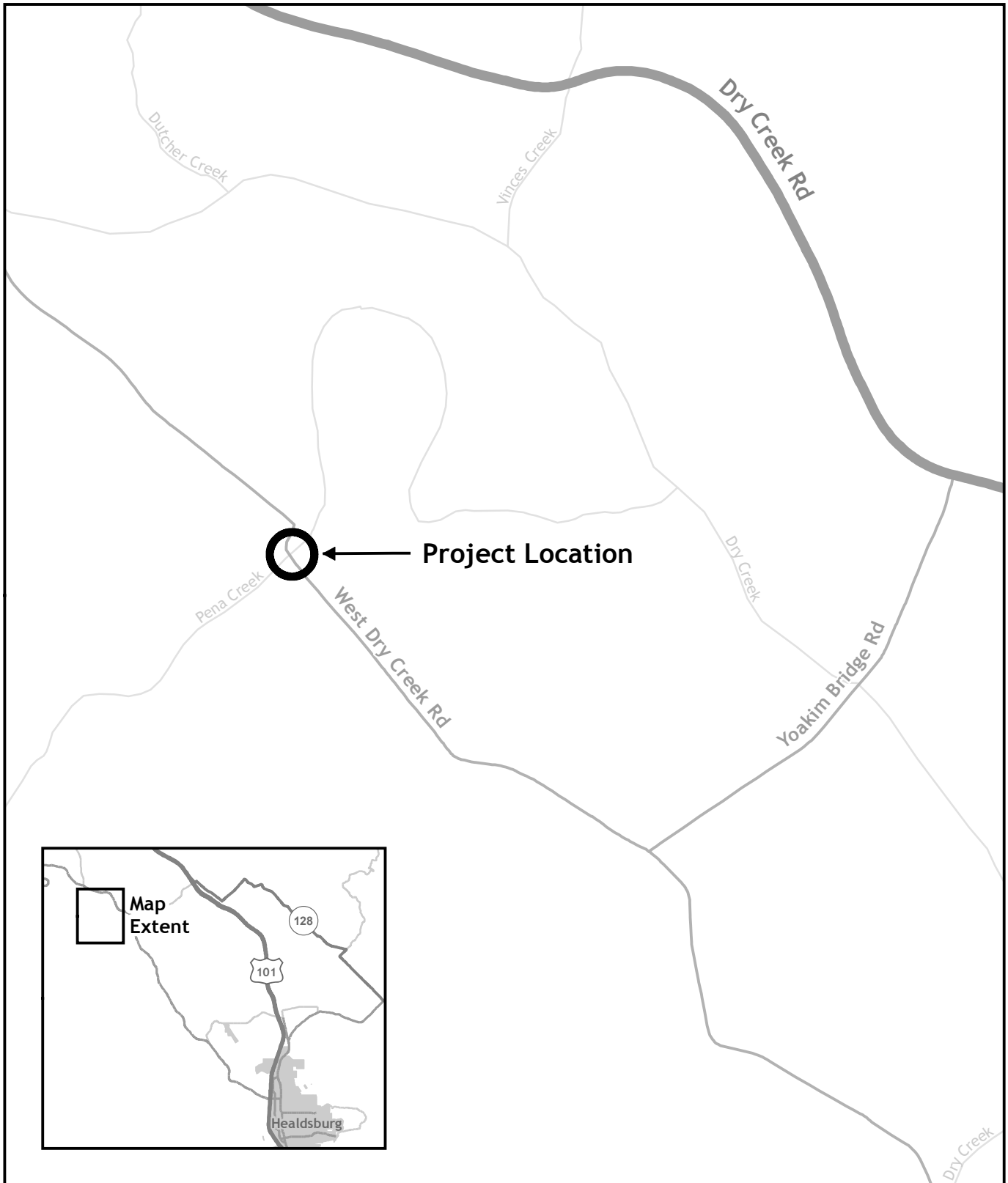
None.



|   |
|---|
| <b>Attachments:</b>   |
| Location Map.   |
| <b>Related Items "On File" with the Clerk of the Board:</b> |
| Agreement.  |

# Location Map

West Dry Creek Road over Pena Creek Replacement Bridge (C01293)





## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 23**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Transportation and Public Works

**Staff Name and Phone Number:**

Susan Klassen (707) 565-2231

**Supervisorial District(s):**

First and Fourth Districts

**Title:** Porter Creek Bridge Replacement

### **Recommended Actions:**

Approve resolution accepting Grant of Temporary Construction Easement deed, and land; authorizing the Chair to execute Right of Way Contract, including payment of \$1,200, which includes \$-0- for severance damages; authorizing proration and transfer of taxes on said land; and authorizing refunds, if applicable, pursuant to §5096 of the Revenue and Taxation Code; lands of Neumann (APN 028-050-021).

### **Executive Summary:**

The Department of Transportation and Public Works is in the process of replacing the Porter Creek Road Bridge northeast of Santa Rosa. The project is required to improve the safety and reliability of the vehicle crossing of Porter Creek. Porter Creek Road is the major arterial road between Santa Rosa and Calistoga in Napa County.

A temporary construction easement (TCE) is required from one subject property. Due to design revisions during project construction, it was determined that overhead utility lines and a utility pole anchor had to be temporarily located onto the subject property frontage during the project construction period. After the project construction had commenced and the design revision was determined to be necessary, the subject property owner, Kerstin Neumann, graciously signed a Right of Entry on May 16, 2013. The Right of Entry allowed the project work to proceed along the owner's frontage while the County prepared a valuation and a formal offer to compensate her for the temporary easement.

The subject property is a 1.70 acre rural parcel improved with a single family residence. It is situated directly across Porter Creek Road from its intersection with Franz Valley Road. The TCE required from this property is a 4,251 square foot strip extending approximately 300 feet along the frontage of the property. The purpose of the TCE is to formalize the County's current temporary occupation of the area by overhead utility lines and a pole guy anchor. The TCE will expire when a Notice of Completion for this project is recorded.

A Waiver Valuation determined just compensation for the easement in the amount of \$1,200. The property owner has agreed to accept this amount as monetary compensation and has signed all necessary right-of-way acquisition documents. The County will also perform construction contract work on the owner's property to conform the property frontage to the new road improvements.

The Contract has been approved as to form by County Counsel.

**Prior Board Actions:**

None.

**Strategic Plan Alignment**      Goal 3: Invest in the Future

Project invests in the future by replacing aging County infrastructure.

**Fiscal Summary - FY 13-14**

| Expenditures              |                 | Funding Source(s)    |                 |
|---------------------------|-----------------|----------------------|-----------------|
| Budgeted Amount           | \$ 1,200        |                      | \$              |
| Add Appropriations Req'd. | \$              | State/Federal        | \$ 1,200        |
|                           | \$              | Fees/Other           | \$              |
|                           | \$              | Use of Fund Balance  | \$              |
|                           | \$              | Contingencies        | \$              |
|                           | \$              |                      | \$              |
| <b>Total Expenditure</b>  | <b>\$ 1,200</b> | <b>Total Sources</b> | <b>\$ 1,200</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

Appropriations are available in the FY 13-14 Road Fund Bridge Index. Project is funded with federal bridge program, Proposition 1B and Countywide Traffic Mitigation funds.

**Staffing Impacts**

| Position Title<br>(Payroll Classification) | Monthly Salary<br>Range<br>(A – I Step) | Additions<br>(Number) | Deletions<br>(Number) |
|--|---|-----------------------|-----------------------|
|  |   |                       |                       |
|  |   |                       |                       |

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

Resolution; Resolution Exhibit "A"; Location Map; Acquisition Map

|   |
|---|
| <b>Related Items “On File” with the Clerk of the Board:</b> |
|---|

|   |
|---|
| Grant of Temporary Construction Easement; Right of Way Contract |
|---|



County of Sonoma  
State of California

Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, accepting Grant of Temporary Construction Easement deed, and land; authorizing the Chair to execute Right of Way Contract, including payment of \$1,200, which includes \$-0- for severance damages; authorizing proration and transfer of taxes on said land; and authorizing refunds, if applicable, pursuant to §5096 of the Revenue and Taxation Code; lands of Neumann (APN 028-050-021); Project No. C00028.**

**Whereas**, a Grant of Temporary Construction Easement deed, dated October 24, 2013, conveying land described therein to the County of Sonoma, has been tendered to this Board of Supervisors by Kerstin E. Neumann; and

**Whereas**, the County of Sonoma is desirous of securing said temporary easement for the temporary relocation of overhead utility lines and placement of a temporary guy line anchor during the construction of the Porter Creek Bridge Replacement Project northeast of Santa Rosa.

**Now, Therefore, Be It Resolved** that the Board does hereby accept said deed according to terms set forth therein.

**Be It Further Resolved** that the total financial consideration for the property interest to be acquired is \$8,200, which includes the following:

|              |   |
|--------------|---|
| LAND         | \$1,200 (temporary construction easement) |
| IMPROVEMENTS | \$ -0-                                    |
| SEVERANCE    | \$ -0-                                    |
| OTHER        | \$ 7,000 (Construction Contract Work)     |

**Be It Further Resolved**, that as part of the total financial consideration above, the County Auditor-Controller-Treasurer-Tax Collector be and hereby are authorized and directed to draw their warrant on the Road Fund- Bridge index (035022-9400), Acquisition of Right-of-Way, in the sum of \$1,200, payable to Kerstin E. Neumann; said sum representing the financial consideration agreed upon in connection with the herein described conveyance.

Resolution #

Date:

Page 2

**Be It Further Resolved**, that pursuant to §4986 and §5096 of the Revenue and Taxation Code of the State of California, the County Auditor and Assessor be and hereby are authorized and directed to prorate, transfer and refund (if applicable) the taxes as of this date on the herein described lands conveyed to the County of Sonoma more particularly described as follows:

See Exhibit "A" attached.

**Be It Further Resolved**, that the County Recorder be and hereby is authorized and directed to record said deed at no cost to the County as provided under Government Code Section 6103.

**Supervisors:**

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**

**Resolution Exhibit A**

**RECORDING REQUESTED BY**

COUNTY OF SONOMA  
.....

WHEN RECORDED, RETURN  
TO  
EXECUTIVE SECRETARY  
DEPARTMENT OF  
TRANSPORTATION AND  
PUBLIC WORKS

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

APN 028-050-021(ptn.)

Record free per Gov. Code  
6103. Required by Sonoma  
County Dept. of  
Transportation and Public  
Works for public works  
project.

**GRANT OF TEMPORARY CONSTRUCTION  
EASEMENT**

Document No.: 8801B-1

**Kerstin E. Neumann, as Surviving Joint Tenant**

**GRANT(S) TO: THE COUNTY OF SONOMA, A POLITICAL SUBDIVISION  
OF THE STATE OF CALIFORNIA, A TEMPORARY EASEMENT FOR:**

A TEMPORARY CONSTRUCTION EASEMENT with the right of immediate entry for all purposes necessary the temporary relocation of public utilities and installation of temporary signalization facilities for the Porter Creek Road Bridge Replacement Project. Such purposes may include, but are not limited to, temporary relocation of overhead utility lines and poles, temporary installation of pole anchors, tree and brush trimming, and grading, as necessary.

**THE TEMPORARY CONSTRUCTION EASEMENT CONSISTS OF THE FOLLOWING  
DESCRIBED PARCEL:**

All that Real property situated in the unincorporated area of the County of Sonoma, State of California, described as follows:

**SEE EXHIBIT "A" ATTACHED**

Said Temporary Construction Easement shall terminate upon the filing of the Notice of Completion at the Sonoma County Recorder's Office for the project entitled "FEDERAL PROJECT NO. BRLS – 5920 (045), PORTER CREEK ROAD BRIDGE REPLACEMENT PROJECT, COUNTY PROJECT NO. C00028".

Road Name: Porter Creek  
PM 17.08  
Parcel 8801B-1  
Revised 10/17/2013  
Document No. 8801B-1

Dated October 24, 20 13

*Kerstin E. Neumann*  
Kerstin E. Neumann  
Surviving Joint  
Tenant



# Resolution Exhibit A

## Exhibit "A"

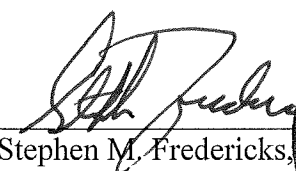
Being a portion of the lands of Kerstin E. Neumann as described in a deed recorded as Document Number 2011-110489 of Official Records, Sonoma County Records. Said portion being more particularly described as follows.


Commencing at a point on the southerly right of way for Porter Creek Road as described in that deed to the County of Sonoma recorded in Book 753 of Official Records, at Page 256, Sonoma County Records, said point lying 30.00 feet right of Engineer's Centerline Station 5+71.01 P.C., said Centerline being shown on a plat for the Porter Creek Road bridge, dated Aug. 18, 1947, and on file in the Sonoma County Department of Transportation and Public Works as Microfilm Numbers 3827 and 3728; thence on a curve to the right, the tangent of which bears North 35° 28' 00" East through an angle of 4° 12' 19" and a radius of 970.00 feet a distance of 71.20 feet to a point that bears 30.00 feet from Engineer's Centerline Station 6+44.40; thence continuing along said right of way and curve through an angle of 17° 58' 41" and a radius of 970.00 feet a distance of 304.36 feet; thence South 32°21'00" East, 20.00 feet; thence leaving said right of way line and along a curve to the left, from a tangent that bears South 57°39'00" West, through an angle of 0°34'23" and a radius of 950.00 feet a distance of 9.50 feet; thence North 32°55'23" West, 7.10 feet; thence South 50°52'40" West, 291.86 feet to the Point of Beginning.

Containing 4251 square feet, more or less.

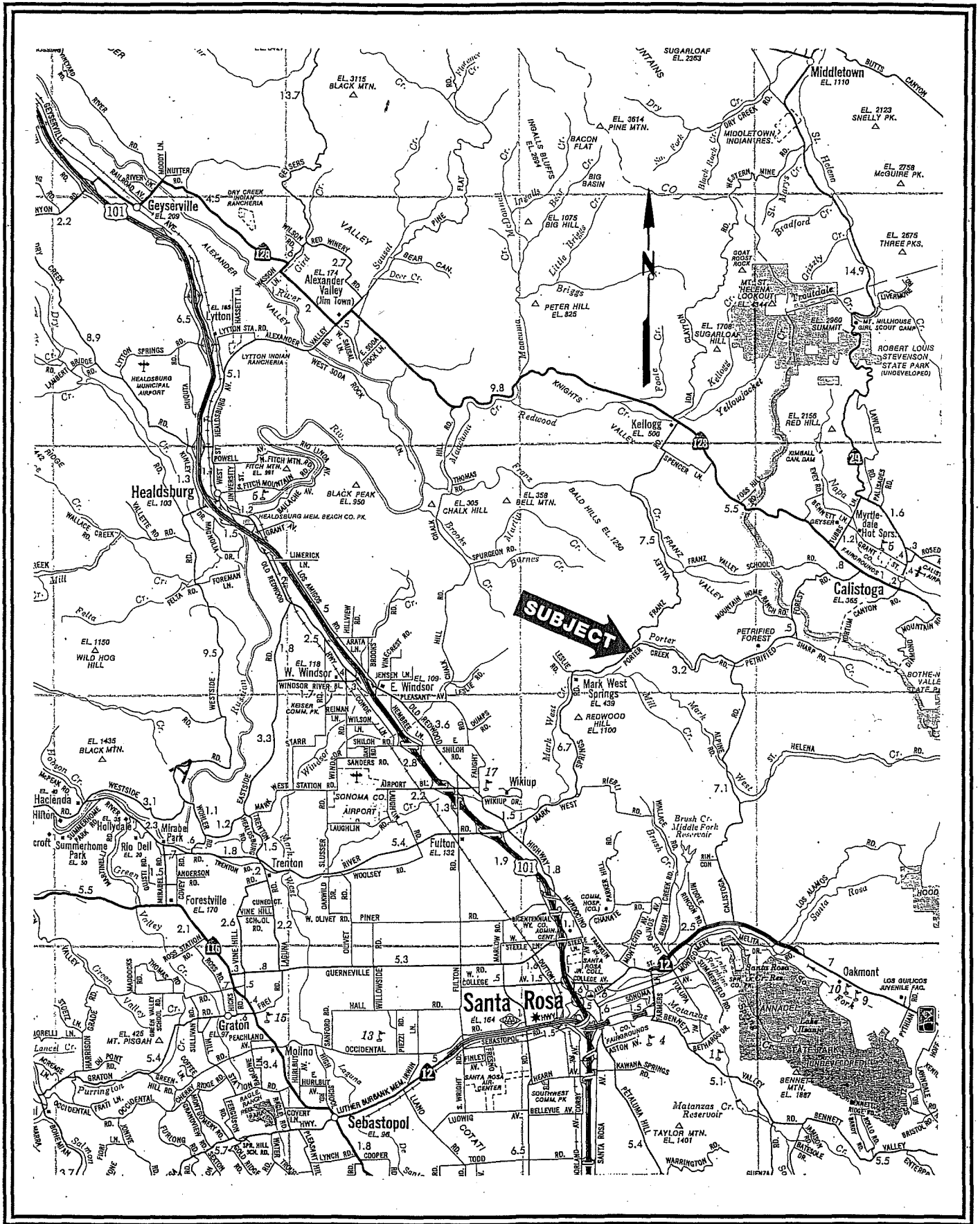
Basis of bearings: A plat for the Porter Creek Road bridge, dated Aug. 18, 1947, and on file in the Sonoma County Department of Transportation and Public Works as Microfilm Numbers 3827 and 3728.

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyor's Act.

  
Stephen M. Fredericks, Expires 12/31/12

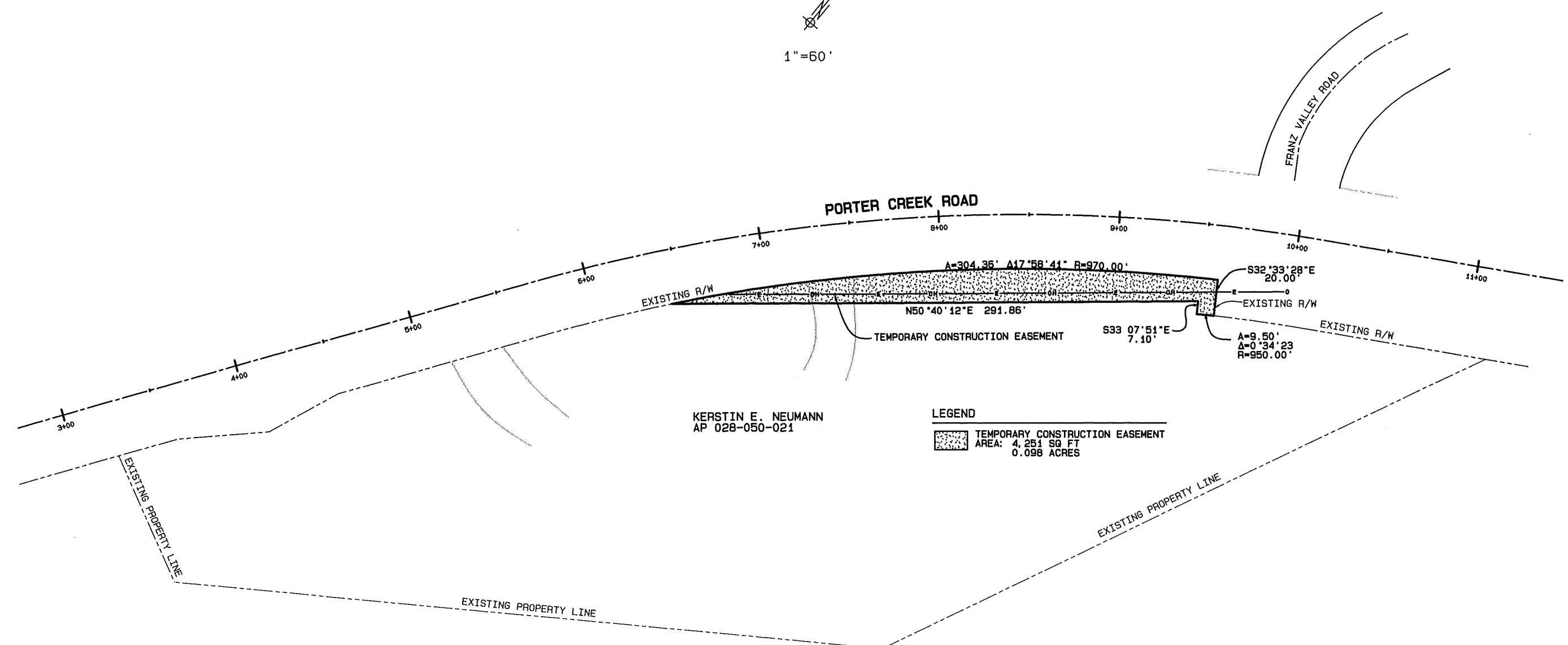


Road Name: Porter Creek Road  
PM 17.08  
APN 028-050-021  
Parcel 8801B-1  
Revised 10/17/2013



Location Map

1"=60'



ACQUISITION MAP



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 24**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Transportation and Public Works

**Staff Name and Phone Number:**

Susan Klassen (707) 565-2440

**Supervisorial District(s):**

All

**Title:** Personal Services Agreement

### **Recommended Actions:**

Authorize the Chair to sign Personal Services Agreement with Henry Mikus to be the Executive Director of the Sonoma County Waste Management Agency

### **Executive Summary:**

In 2010, SCWMA and the County worked collaboratively to change the employment structure for the SCWMA by allowing the governing board of SCWMA to have direct employment authority for their executive director and for the executive director to become the appointing authority for other staff dedicated to providing services to SCWMA. From 1992 to 2010, the County provided staff services to SCWMA. Under the restructured arrangement all employees continue to be County employees but the line of authority runs more directly to SCWMA.

The SCWMA Board has requested that the County enter into a new 2-year agreement with Mr. Mikus with an option to extend the 2-year term through the date that the SCWMA expires (i.e., February 11, 2017).

Under the terms of the existing MOU for Special Staff Services between the SCWMA and the County of Sonoma (the SCWMA Board selects their Executive Director, and determines the salary and term of the employee agreement). The Agency is required to reimburse the County for all costs associated with the Executive Director position.

**Prior Board Actions:**

Prior Board Action: 11/02/10, Board approved a Personal Services Agreement with Henry Mikus to be Executive Director of the Sonoma County Waste Management Agency (SCWMA); 6/1/10, Board approved agreement for Provision of Staff Services with SCWMA and the MOU for Special Staff Services between the County and the Sonoma County Waste Management Agency and adopted a concurrent Resolution amending Salary Resolution 95-0926, Salary Tables, Department Heads and Administrative Management, to establish the classification and salary for Waste Management Agency Executive Director and approved the Ordinance exempting the Waste Management Agency Executive Director from the Civil Service System; On 06/12/92, 7/11/00 and 9/18/07, Board approved MOUs for staffing between the County and the Sonoma County Waste Management Agency; In August of 1994, your Board approved a Civil Service Ordinance revision to exempt Department Heads from the Civil Service System, as required. This revision of the Ordinance was approved by voters in November 1994.

**Strategic Plan Alignment**      Goal 1: Safe, Healthy, and Caring Community

The Executive Director position ensures services provided to the community focus on providing increased recycling and green house gas reductions in a manner that is economically efficient.

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        |                      | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

The Executive Director will be paid at "I" salary step, \$9,197.24 monthly salary. Ongoing annualized salary associated with this position is \$110,366.91 and is incorporated in the FY 13-14 budget.

**Staffing Impacts**

| Position Title<br>(Payroll Classification) | Monthly Salary<br>Range<br>(A – I Step) | Additions<br>(Number) | Deletions<br>(Number) |
|--|---|-----------------------|-----------------------|
|  |   |                       |                       |
|  |   |                       |                       |

|  |
|--|
| <b>Narrative Explanation of Staffing Impacts (If Required):</b>              |
| None   |
| <b>Attachments:</b>  |
| Personal Services Agreement between the County of Sonoma and Mr. Henry Mikus |
| <b>Related Items "On File" with the Clerk of the Board:</b>                  |
| None   |

AGREEMENT FOR PERSONAL SERVICES, EXECUTIVE DIRECTOR OF THE  
SONOMA COUNTY WASTE MANAGEMENT AGENCY

This Agreement is made this \_\_\_ day of December, 2013, by and between the County of Sonoma, a political subdivision of the State of California (hereinafter "COUNTY") and Henry Mikus (hereinafter called "EMPLOYEE").

WITNESSETH:

WHEREAS, the COUNTY and the SONOMA COUNTY WASTE MANAGEMENT AGENCY ("AGENCY") have entered into an agreement for staff services (hereinafter, "Staff Contract"); and,

WHEREAS, pursuant to the Staff Contract, the County is to employ a person to act in the capacity as the Executive Director of the AGENCY (hereinafter "Executive Director"); and,

WHEREAS, the AGENCY has determined that EMPLOYEE is the individual AGENCY wants to continue to serve as Executive Director of the AGENCY; and,

WHEREAS, the County desires to retain EMPLOYEE as the Executive Director; and,

WHEREAS, EMPLOYEE acknowledges that by accepting the position of Executive Director, he will be an at-will employee for the COUNTY, and that as such, his position is exempt from the County's Civil Service system in accordance with Civil Service Ordinance 305-A and that he will retain no right of restoration to any previously held classified position with COUNTY under said system.

NOW, THEREFORE, BE IT AGREED by and between the parties as follows:

1. Term of Employment. COUNTY hereby employs EMPLOYEE in the position of Executive Director for a period of two (2) years, commencing January 4, 2014, and ending on January 4, 2016, subject, however, to termination as hereinafter provided. Upon written notice from Agency to County that Agency desires to extend the term of this contract to February 11, 2017, County shall extend the term. Such extension shall be documented by an amendment to this Agreement executed by County and Employee.

2. Duties. EMPLOYEE shall perform the duties of the Executive Director as set forth in the job description for the position, attached hereto as Attachment A, as it now provides or may hereafter be amended.

3. Compensation.

(a) EMPLOYEE's initial salary shall be \$110,366.91 per annum, which is the top step of the salary range. Thereafter, EMPLOYEE's salary shall be established by the Sonoma

County Salary Resolution 95-0926 as amended or until superseded by further resolution(s) of the Board of Supervisors.

(b) Except as herein provided, EMPLOYEE shall be entitled to the same fringe benefits generally available to COUNTY unrepresented administrative management employees, as specified in the Salary Resolution, notwithstanding any designation that the Executive Director is a Department Head position under Ordinance No. 5892.

(c) EMPLOYEE shall participate in any mandatory time off furlough program established by the County on the same terms and conditions applicable to management employees.

4. Appointing Authority and Performance Evaluations.

(a) The Board of Supervisors shall be the appointing authority for the EMPLOYEE. The Board will, however, consistent with the job specifications set forth in Attachment A and pursuant to the Staff Contract referenced previously herein, delegate supervision over the EMPLOYEE and delegate the annual performance review to the Board of Directors for the AGENCY. EMPLOYEE agrees that concerns that COUNTY Board of Supervisors or the individual members of the Board or the AGENCY Board of Directors or the individual members of the AGENCY Board have concerning EMPLOYEE's performance are not "specific complaints or charges brought against an employee by another person or employee" as that phrase is used in Government Code § 54957 and that the notice requirement of that section is, under those circumstances, inapplicable.

(b) Pursuant to the Staff Contract referenced above, COUNTY shall provide additional dedicated staff to assist the EMPLOYEE in carrying out the day-to-day operations of AGENCY. Said additional staff will be within the classified service of the County's Civil Service Ordinance. The EMPLOYEE shall be the appointing authority over such County employees and EMPLOYEE shall be responsible for complying with all laws, policies and procedures with regard to such COUNTY employees, including but not limited to, all COUNTY personnel policies and procedures.

5. Termination.

(a) EMPLOYEE shall serve at the will and pleasure of COUNTY Board of Supervisors and may be terminated at the will of the Board with or without cause, provided, however, that the County will delegate the authority to terminate the EMPLOYEE with or without cause to the AGENCY under the Staff Contract, and provided that the COUNTY shall retain the authority to terminate the EMPLOYEE for egregious conduct, which shall be defined as any of the following:

- 1) a physical assault;
- 2) threats of violence;
- 3) embezzlement or theft;
- 4) prosecution for or conviction of a felony;



- 5) unauthorized possession of weapons or explosives on County property;
- 6) sexual harassment;
- 7) unlawful discrimination;
- 8) being under the influence of alcohol or non-prescribed drugs, to the level of incapacity, during work hours; or
- 9) violation of COUNTY's policy regarding use of COUNTY owned computers or other electronic devices.

EMPLOYEE expressly waives and disclaims any right to any pre-termination or post-termination notice and hearing.

(b) COUNTY may place EMPLOYEE on paid administrative leave when COUNTY determines that EMPLOYEE's acts or omissions have resulted, or may result, in liability to COUNTY or AGENCY.

(c) Termination of EMPLOYEE's employment without cause may be effected by AGENCY giving written notice to COUNTY and COUNTY giving thirty (30) days' prior written notice to EMPLOYEE. Upon such termination, EMPLOYEE shall be entitled to additional salary and deferred compensation equal to that which would accrue during ninety (90) calendar days following termination and to be computed by the COUNTY Auditor-Controller at the rate applicable on the day of termination plus the cash equivalent of all accumulated vacation as of the day of termination. In addition to the foregoing, EMPLOYEE shall also be entitled to be compensated for one-fourth (1/4) of unused sick leave; one hundred percent (100%) of EMPLOYEE's floating holiday balance, converted and accrued as compensatory time pursuant to the Sonoma County Salary Resolution; and EMPLOYEE's deferred compensation balance. EMPLOYEE's health benefits and the COUNTY's portion of the premium contribution shall continue to remain in effect for a period of ninety (90) calendar days from date of termination. If EMPLOYEE elects to accept said severance package, EMPLOYEE shall execute an agreement that the severance package shall constitute a final settlement and satisfaction of all claims of EMPLOYEE against COUNTY or AGENCY arising out of his or her employment. EMPLOYEE expressly waives and disclaims any right to any pre-termination or post-termination notice and hearing.

(d) EMPLOYEE may terminate his or her employment at any time by delivering to the COUNTY Board of Supervisors and the Chair of the AGENCY Board of Directors his or her written resignation. Such resignation shall be irrevocable and shall be effective not earlier than ninety (90) calendar days following delivery. EMPLOYEE shall be entitled to be compensated for one-fourth (1/4) of unused sick leave; one hundred percent (100%) of EMPLOYEE's floating holiday balance, converted and accrued as compensatory time pursuant to the Sonoma County Salary Resolution; and EMPLOYEE's deferred compensation balance.

(e) From the date upon which EMPLOYEE either resigns or is notified of the COUNTY's intention to terminate the Agreement until the actual date upon which the resignation, termination or expiration becomes effective, EMPLOYEE shall continue to devote his or her full time, attention and effort to the duties anticipated hereunder and shall perform the same in a professional and competent manner. If requested, EMPLOYEE shall assist COUNTY

and AGENCY in orienting EMPLOYEE's replacement and shall perform such tasks as are necessary to effect a smooth transition in the leadership of the AGENCY. These tasks may also include providing information or testimony regarding matters which arose during EMPLOYEE's employment.

(f) EMPLOYEE acknowledges, understands and warrants that EMPLOYEE shall have no further right or claim to employment after the expiration of the term of this Agreement. Except as provided herein, no other document, handbook, policy, resolution or oral or written representation shall be effective or construed to be effective to extend the term hereof or otherwise grant EMPLOYEE any right or claim to continued employment with COUNTY.

6. Nonassignability. EMPLOYEE shall not, during the term of this Agreement, make any assignment or delegation of any of its provisions without the prior written consent of COUNTY.

7. Compliance with Law. EMPLOYEE shall, during his or her employment hereunder, comply with all laws and regulations applicable to such employment. Any act or omission of EMPLOYEE constituting a public offense involving moral turpitude or a withholding of labor is a material breach of this Agreement relieving COUNTY of any and all obligations hereunder. Such act or omission shall constitute sufficient grounds for EMPLOYEE's termination with cause pursuant to this Agreement.

8. Definition of Sonoma County Salary Resolution. The Sonoma County Salary Resolution, as defined within this Agreement, shall be the COUNTY Board of Supervisors' Salary Resolution No. 95-0926, as amended or until superseded by further resolution(s) of the Board of Supervisors.

9. No Third Party Beneficiary Rights. Nothing contained in this Agreement shall be construed to create any rights in third parties and the parties do not intend to create such rights. In addition, EMPLOYEE shall not have any rights and shall not be intended to be a third party beneficiary under the Staff Contract between the AGENCY and the COUNTY.

10. Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Section 1856 of the Code of Civil Procedure. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

11. Termination of this Agreement as a Result of Termination of Staff Contract. In the event the Staff Contract is terminated by either the COUNTY or the AGENCY pursuant to paragraph 12 of the Staff Contract, then this Agreement for Personal Services shall terminate.

12. Conflict of Interest. EMPLOYEE covenants that he presently has no interest and will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of his duties required under this Agreement. EMPLOYEE shall comply with all state and local conflict of interest laws or policies, including, but not limited to, Government Code section 1090,

the Political Reform Act and requirements promulgated by the Fair Political Practices Commission, the County’s policies on incompatible offices and conflicts of interest, and any Departmental policies on conflicts of interest. EMPLOYEE shall also complete and file a “Statement of Economic Interest” with the County, disclosing EMPLOYEE’s financial interests, as required by the County’s Conflict of Interest Code.

ATTEST:

COUNTY OF SONOMA

\_\_\_\_\_  
Clerk of the Board

By \_\_\_\_\_  
Chairman, Board of Supervisors

EMPLOYEE

\_\_\_\_\_  
Henry Mikus

**ATTACHMENT "A"**  
**JOB DESCRIPTION**  
**WASTE MANAGEMENT AGENCY EXECUTIVE DIRECTOR**

**DEFINITION:**

Under direction of the Sonoma County Waste Management Agency ("Agency") Board of Directors, the Agency Executive Director plans, organizes and directs all activities and functions in the operation of the Agency as required by AB939 regulations, including city/county agreements, recycling, marketing, material recovery, household hazardous waste, organic waste composting, source reduction, and public education; performs related duties as required.

**DISTINGUISHING CHARACTERISTICS:**

The Sonoma County Waste Management Agency (Agency) is an independent joint powers agency which includes the County of Sonoma and all nine Sonoma County cities (Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma, and Town of Windsor) as member agencies. The Agency Board of Directors is a ten member board with each member agency having one representative. The Agency was formed in 1992. The Agency has an annual budget of approximately eight million dollars.

This single management class is an "at-will" position and is exempt from the County's Civil Service system in accordance with Civil Service Ordinance 305-A. The County of Sonoma provides staffing services under agreement to the Agency. As such, the County of Sonoma is the employer and the appointing authority; however, the Board of Supervisors will delegate authority for employee selection, supervision and termination of the employee to the Agency Board of Directors. Incumbents will be employed under an "at-will" employment agreement. The County will retain the right to terminate the employee as provided in the employment agreement.

The incumbent is responsible for the overall administrative management of the department personnel, program activities, and procedural and policy issues as they relate to the operation of the Agency. The position must use considerable independent judgment and discretion in staff supervision and delegated project administration and management including the prioritization and coordination of mandates, goals and objectives.

**TYPICAL DUTIES:**

*Duties may include, but are not limited to the following:*

Plans, organizes, directs, and coordinates the operation of all functions for the Agency. Initiates/participates in strategic planning efforts for the benefit of the Agency in County, private sector and regional venues.

Develops and implements the Agency annual budget; coordinates fiscal operations with the County (accountant and auditor services); provides budgetary forecasts to the Agency Board of Directors as requested.

Assists in formulating long-range goals of the Agency program and in developing plans for accomplishing these goals; develops policies and procedures to carry out the plans which have been developed; develops and implements marketing and public outreach and information plans; reviews and evaluates programs and anticipates future needs.

Provides on-going support to the Agency Board to maximize their effectiveness including facilitating new Board member orientation, providing Board training on specific issues or topic areas, and identifying ways to streamline meetings and maximize the efficient use of the Board members' time.

Supervises, directs, develops and evaluates subordinate staff (County employees) and also has responsibility for selecting program staff.

Coordinates activities with other departmental divisions, other County departments, other governmental agencies and private organizations and contractors as required.

Reviews the preparation of a variety of plans, reports, and correspondence.

Discusses and explains department plans, programs, and projects at public and community meetings, legislative and administrative hearings, and related functions; attends conferences and seminars to keep informed of new developments.

Consults with legal counsel concerning contracts and divisional operations; monitors legislation on the state, federal and local level; recommends changes required by new legislation. May serve as a member of various committees as directed by the Agency Board of Directors. Performs other duties as required.

### **KNOWLEDGE, SKILLS, AND ABILITIES:**

**Considerable knowledge of:** state and federal laws and programs relative to the planning and development of recycling management, including AB 939 legislation; principles and practices of marketing and public information, principles and practices of program planning and evaluation, grant preparation and review, personnel and fiscal administration, including budgetary process and fiscal strategy, staff development and training; the principles and practices of contract negotiations and administration; the organization and functions of various Agencies; economic research and feasibility as it relates to plans in support of the program; English syntax and grammar; modern software programs required to complete job responsibilities.

**Ability to:** plan, organize and direct the activities of professional, specialized technical and clerical staff; establish and maintain harmonious working relationships with the Agency Board of Directors, coworkers, subordinates, representatives of other County departments, other governmental agencies, private organizations, private contractors, and with the general public; prepare and implement administrative and fiscal policies and controls; coordinate program activities with other County departments and other public entities; determine organizational needs and functional changes in order to improve efficiency and effectiveness; provide effective

leadership in the development of new or improved procedures; analyze, prepare and/or review staff reports and recommendations and to give constructive criticism; effectively assemble, organize and present in written and/or oral form, reports containing alternative solutions and recommendations regarding specific resources, plans and policies; speak before groups regarding department plans, projects and functions.

**MINIMUM QUALIFICATIONS:**

**Education and Experience:** Any combination of education, training, and experience that clearly demonstrates possession of the knowledge and abilities listed for the position. Normally, this would include significant coursework or graduation from an accredited college or university with a focus in business administration, public administration, marketing, environmental studies, or a related field and five years of increasingly responsible, professional experience in recycling or solid waste management, including at least four years of experience with administrative and supervisory responsibilities for marketing and/or public information, program planning and administration, and staff supervision.

**License:** Possession of a valid driver's license at the appropriate level including special endorsements, as required by the State of California, may be required depending upon assignment to perform the essential job functions of the position.



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 25**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Transportation and Public Works

**Staff Name and Phone Number:**

Susan Klassen (707) 565-2440

**Supervisorial District(s):**

All

**Title:** Second Amendment to the Joint Powers Agreement of the Sonoma County Waste Management Agency

### **Recommended Actions:**

Approve and authorize the Chair to sign the Second Amendment to the Joint Powers Agreement of the Sonoma County Waste Management Agency (SCWMA) which clarifies the Agency's ability to adopt rules and regulations, specifically by ordinance, order, or resolution, and defines the SCWMA's core programs and allows that participation in non-core programs, including a single-use carryout bag ordinance, is at each member jurisdiction's discretion.

### **Executive Summary:**

The Sonoma County Waste Management Agency (Agency) was created in February 1992, with its first meeting held on April 15, 1992. The County of Sonoma is a member of the Agency. At its creation, the purpose of the Agency was to create a system to responsibly handle wood waste, yard debris, and household hazardous waste, and to educate the public about waste-related issues. The Joint Powers Agreement was amended on January 24, 1996 to include additional waste monitoring and reporting requirements.

The original Joint Powers Agreement was drafted over 21 years ago. The legal environment has changed over that period as new laws and regulations have been enacted, challenged, and resolved. One issue currently under discussion at the Agency is whether an ordinance to reduce the amount of waste associated with single-use carryout bags should be enacted. The issue has been litigated on a number of occasions, and while the vast majority of the cases, especially cases in the past year, have been decided in favor of cities or counties enacting restrictions on these products, there is still a litigation risk associated with pursuing an ordinance of this type.

The Second Amendment to the Joint Powers Agreement clarifies the Agency's ability to adopt rules and regulations, specifically by ordinance, order, or resolution. Though that specific issue has not been the subject of litigation in the regulation of carryout bags, inclusion of this provision minimizes that risk for

the Agency.

Another request for clarity was in which Agency programs member jurisdictions may participate. The Second Amendment defines core programs, programs in which all members must participate, to be household hazardous waste, wood waste, yard waste, education, and required reporting. Participation in non-core programs, including a single-use carryout bag ordinance, is at each member jurisdiction's discretion. Not participating in non-core programs does not reduce any member's fiscal participation toward Agency programs.

It is the belief of County and Agency staff that the likelihood of adopting a carryout bag ordinance in Sonoma County, which would cover most or all of the County's citizens, is increased if this Second Amendment to the Joint Powers Agreement of the Sonoma County Waste Management Agency is adopted by all of its member jurisdictions.

All member jurisdictions are must approve the amendment for it to be approved. It is expected that all jurisdictions will have considered this proposed amendment by mid- January 2014. As of the date of submittal, 5 jurisdictions have already adopted resolutions of approval.

**Prior Board Actions:**

1/23/1996: Approval of the First Amendment  
 2/11/1992: Approval of the Agreement between the Cities of Sonoma County and Sonoma County for a Joint Powers Agency to Deal with Waste Issues.

**Strategic Plan Alignment**      Goal 2: Economic and Environmental Stewardship

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        |                      | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

None



| <b>Staffing Impacts</b>   |   |                              |                              |
|---|---|------------------------------|------------------------------|
| <b>Position Title</b><br>(Payroll Classification)   | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|   |   |                              |                              |
|   |   |                              |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b>                             |   |                              |                              |
| None  |   |                              |                              |
| <b>Attachments:</b>   |   |                              |                              |
| Second Amendment to the Joint Powers Agreement of the Sonoma County Waste Management Agency |   |                              |                              |
| <b>Related Items “On File” with the Clerk of the Board:</b>                                 |   |                              |                              |
| None.   |   |                              |                              |

**SECOND AMENDMENT TO  
AGREEMENT BETWEEN THE CITIES OF SONOMA COUNTY AND SONOMA  
COUNTY FOR A JOINT POWERS AGENCY TO DEAL WITH WASTE  
MANAGEMENT ISSUES**

THIS SECOND AMENDMENT (“AMENDMENT”) to the Agreement Between the Cities of Sonoma County and Sonoma County for a Joint Powers Agency to Deal with Waste Management Issues, dated as of \_\_\_\_\_, 201\_, is by and between the Cities and Town of Sonoma County and the County of Sonoma.

**RECITALS**

WHEREAS, the Cities and Town of Sonoma County and the County of Sonoma entered into that certain Agreement Between the Cities of Sonoma County and Sonoma County for a Joint Powers Agency to Deal with Waste Management Issues (Agreement”); and

WHEREAS, it has become necessary to clarify certain provisions of the Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do agree as follows:

**AGREEMENT**

1. Section 2 of the Agreement (Purpose of Agreement) is hereby amended to read as follows:

“Section 2. Purpose of Agreement

The purpose of this Agreement is to create the Sonoma County Waste Management Agency and to describe the terms and provisions by which the Agency will handle the four (4) initial programs: (1) household hazardous waste; (2) wood waste; (3) yard waste that otherwise would go to a landfill; and (4) education about the Agency’s programs. Pursuant to the terms of this Agreement, the Participants may agree, in writing, to additional duties, responsibilities, and programs, including any program enacted by ordinance. Each Participant executing this Agreement may elect to participate in any or all of the Agency’s non-core programs, including any single use carryout bag ordinance. Core programs are defined to be household hazardous waste, wood waste, yard waste, education and required reporting. Should any Participant elect to not participate in a non-core program, including any single use carryout bag ordinance, there will be no reduction in the Participant’s fiscal participation.”

2. Section 14 of the Agreement (Joint Powers Agency Authority to Adopt Regulations) is hereby amended to read as follows:

“Section 14. Joint Powers Agency Authority to Adopt Regulations

Participants agree that the primary purpose of this Agreement is to create an Agency to treat wood waste and yard waste, to collect, store, and dispose of household hazardous waste, to educate the public regarding waste issues, and, pursuant to the terms of this Agreement, including any Amendments, to adopt any future programs the Board determines are needed or desirable. The Joint Powers Agency may, from time to time, adopt uniform rules and regulations, in any form, including orders, resolutions and ordinances, to carry out these purposes.”

3. Except to the extent the Agreement is specifically amended hereby, the Agreement, together with exhibits and the First Amendment is, and shall continue to be, in full force and effect as originally executed, and nothing contained herein shall be construed to modify, invalidate or otherwise affect any provision of the Agreement or any right of the Agency arising thereunder.
4. This Amendment shall be governed by and construed under the laws of the State of California and any action to enforce the terms of this Amendment or for the breach thereof shall be brought and tried in the County of Sonoma.

IN WITNESS WHEREOF, the Participants have caused this Amendment to be executed by their respective governing officials duly authorized by resolution of their respective legislative bodies.

CITY OF CLOVERDALE

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

ATTESTED:

\_\_\_\_\_  
City Clerk

CITY OF COTATI

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

ATTESTED:

\_\_\_\_\_  
City Clerk

CITY OF HEALDSBURG

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

ATTESTED:

\_\_\_\_\_  
City Clerk

CITY OF PETALUMA

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

ATTESTED:

\_\_\_\_\_  
City Clerk

CITY OF ROHNERT PARK

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

ATTESTED:

\_\_\_\_\_  
City Clerk

CITY OF SANTA ROSA

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

ATTESTED:

\_\_\_\_\_  
City Clerk

CITY OF SEBASTOPOL

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

ATTESTED:

\_\_\_\_\_  
City Clerk

CITY OF SONOMA

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

ATTESTED:

\_\_\_\_\_  
City Clerk

COUNTY OF SONOMA

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

ATTESTED:

\_\_\_\_\_  
County Clerk

TOWN OF WINDSOR

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

ATTESTED:

\_\_\_\_\_  
City Clerk



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 26**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

Board of Supervisors (707) 565-2241

**Supervisorial District(s):**

**Title:** Minutes of November 5, 2013 and November 12, 2013

**Recommended Actions:**

Approval.

**Executive Summary:**

Approval of Minutes –

- (A) Minutes of the Meeting of November 5, 2013 for the following: Agricultural Preservation and Open Space District, Community Development Commission, Northern Sonoma County Air Pollution Control District, Sonoma County Water Agency, and Board of Supervisors; and
- (B) Minutes of the Meeting of November 12, 2013 for the following: Agricultural Preservation and Open Space District, Community Development Commission, Northern Sonoma County Air Pollution Control District, Occidental County Sanitation District, Russian River County Sanitation District, South Park County Sanitation District, Sonoma County Water Agency, and Board of Supervisors; and
- (C) Minutes of the Meeting of November 12, 2013 of the Sonoma Valley County Sanitation District

**Prior Board Actions:**

None.

**Strategic Plan Alignment** Not Applicable

| <b>Fiscal Summary - FY 13-14</b>                                |   |                              |                              |
|---|---|------------------------------|------------------------------|
| <b>Expenditures</b>   |   | <b>Funding Source(s)</b>     |                              |
| Budgeted Amount   | \$  | County General Fund          | \$                           |
| Add Appropriations Req'd.                                       | \$  | State/Federal                | \$                           |
|   | \$  | Fees/Other                   | \$                           |
|   | \$  | Use of Fund Balance          | \$                           |
|   | \$  | Contingencies                | \$                           |
|   | \$  |                              | \$                           |
| <b>Total Expenditure</b>  | <b>\$</b>                                   | <b>Total Sources</b>         | <b>\$</b>                    |
| <b>Narrative Explanation of Fiscal Impacts (If Required):</b>   |   |                              |                              |
| N/A   |   |                              |                              |
| <b>Staffing Impacts</b>   |   |                              |                              |
| <b>Position Title</b><br>(Payroll Classification)               | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|   |   |                              |                              |
|   |   |                              |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b> |   |                              |                              |
| None  |   |                              |                              |
| <b>Attachments:</b>   |   |                              |                              |
| Minutes   |   |                              |                              |
| <b>Related Items "On File" with the Clerk of the Board:</b>     |   |                              |                              |
| None  |   |                              |                              |

**ACTION SUMMARY**  
**BOARD OF SUPERVISORS**  
**SONOMA COUNTY**  
**575 ADMINISTRATION DRIVE, ROOM 102A**  
**SANTA ROSA, CA 95403**

**TUESDAY**

**NOVEMBER 5, 2013**

**8:30 A.M.**

|                |                 |                      |                      |
|----------------|-----------------|----------------------|----------------------|
| Susan Gorin    | First District  | Veronica A. Ferguson | County Administrator |
| David Rabbitt  | Second District | Bruce Goldstein      | County Counsel       |
| Shirlee Zane   | Third District  |                      |                      |
| Mike McGuire   | Fourth District |                      |                      |
| Efren Carrillo | Fifth District  |                      |                      |

This is a simultaneous meeting of the Board of Supervisors of Sonoma County, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Board of Directors of the Northern Sonoma County Air Pollution Control District, and as the governing board of all special districts having business on the agenda to be heard this date.

The Board welcomes you to attend its meetings which are regularly scheduled each Tuesday at 8:30 a.m. Your interest is encouraged and appreciated.

**AGENDAS AND MATERIALS:** Agendas and most supporting materials are available on the Board's website at <http://www.sonoma-county.org/board/>. Due to legal, copyright, privacy or policy considerations, not all materials are posted online. Materials that are not posted are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 575 Administration Drive, Room 100A, Santa Rosa, CA.

**SUPPLEMENTAL MATERIALS:** Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Board of Supervisors office at 575 Administration Drive, Room 100A, Santa Rosa, CA, during normal business hours.

**DISABLED ACCOMMODATION:** If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Clerk of the Board at (707) 565-2241, as soon as possible to ensure arrangements for accommodation.

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Sonoma County Transit: Rt. 20, 30, 44, 48, 60, 62

Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

For transit information call (707) 576-RIDE or 1-800-345-RIDE or visit or <http://www.sctransit.com/>.

***APPROVAL OF THE CONSENT CALENDAR***

The Consent Calendar includes routine financial and administrative actions, are usually approved by a single majority vote. There will be no discussion on these items prior to voting on the motion unless Board Members or the public request specific items be discussed and/or removed from the Consent Calendar.

***PUBLIC COMMENT***

Any member of the audience desiring to address the Board on a matter on the agenda: Please walk to the podium and after receiving recognition from the Chair, please state your name and make your comments. Closed session items may be added prior to the Board adjourning to closed session. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the subject under discussion. Each person is usually granted 3 minutes to speak; time limitations are at the discretion of the Chair.

## 8:34 A.M. CALL TO ORDER

8:34 A.M. Chairman Rabbitt called the meeting to order.

Supervisors Present: Susan Gorin, David Rabbitt, Shirlee Zane, Mike McGuire, Efren Carrillo

Staff Present: Veronica A. Ferguson, County Administrator, Bruce Goldstein, County Counsel

Chairman Rabbitt presiding.

## PLEDGE OF ALLEGIANCE

### I. INVOCATION AND COMMUNITY HEALING

Bishop Robert Vasa from the Santa Rosa Diocese led the invocation.

1. Comments by Board of Supervisors and community on Andy Lopez tragedy and discussion of next steps.

Chairman Rabbitt made opening remarks and opened the conversation and dialog to members of the Board.

Board members made comments on the Andy Lopez tragedy.

Chairman Rabbitt invited the following guest speakers to make comments:

Mayor Scott Bartley, City of Santa Rosa  
Herman Hernandez, Los Cien  
Socorro Shiels, Santa Rosa City Schools  
Susan Kinder, Restorative Resources  
Vince Harper, Community Action Partnership  
Matt Martin, Social Advocates for Youth  
Gustavo Mendoza, California Youth Outreach  
Representative from MEChA of Santa Rosa Junior College

#### Speakers:

Michael Yotis  
Father Tom Chesterman  
Alfredo Sanchez  
Reverend Curks Byrd  
Elizabeth Cozine  
Lynette Kronick  
Jonathan Melrud  
Diana Anglero  
Peter Tscherneff  
Marty McReynolds



INVOCATION AND COMMUNITY HEALING (Continued)

10:14 A.M. Supervisor Zane left the meeting

Karen Fraser  
Jose Castaneda

10:19 A.M. Supervisor Zane rejoined the meeting

Catherine Barnard  
Omar Medina  
Brent Lindsay  
Jenni Klose  
Jim Duffy  
Michael Tebo  
Wendell Joost  
Linda Mayberry-Chavez  
Vincent Gonzalez  
Irene Rosario  
Ligia Booker

Board members were given the opportunity to make comments and make recommendations for the Board's consideration:

Supervisor Carrillo:

1. Healing Construct - Continue to provide grief counseling, support sessions, and focus groups.
2. Investments in Infrastructure - Elevate to a priority and look at building a park in the Mooreland area as a central place of gathering for the community.
3. Civilian Review Boards - Explore the four different models with the purpose of developing better relationships, creating credible oversight; and effective police training and community policing that encompass all city law enforcement agencies:
  - Class I. Citizen Review Board
  - Class II. Police Review/Citizen Oversight Review Board
  - Class III. Police Review/Citizens Police Appeal Board
  - Class IV. Independent Citizen Auditor
4. Investments in Services and Breaking the Divide - Focus discussions on prioritizing how to make strategic investments and what we can do internally to facilitate conversations
5. Seek legislation at the state level to address gun culture and replica toy guns.
6. Provide better education and awareness to the community.
7. Commitment to work with and engage the community to drive discussions.

Supervisor Gorin:

1. Redouble efforts to support gun control regulations at the state and federal level and reintroduce a ban on replica and toys guns.
2. Consider a replacement program to exchange toy and replica guns for non-violent toys.
3. Encourage parents to paint toy guns to distinguish from real guns.
4. Recruit and maintain minority officers who can relate to changing demographics.

## INVOCATION AND COMMUNITY HEALING (Continued)

5. Explore Civilian Review Boards for officer involved shootings.
6. Find resources for lapel cameras for law enforcement officials.
7. Training for law enforcement officials to find alternatives to lethal responses.
8. Engage in conversations and explore community orienting policing.
9. Programs for Youth - Enhance Police, Fire and Gang Intervention Taskforces.
10. Social Justice - Explore annexation of the Roseland area.

### Supervisor Zane:

1. Convene a Blue Ribbon Panel responsible for recommending best practices for Civilian Review Boards and protocol for officer training, use of less lethal force, firearms and community policing, including the following:
  - Appoint three representatives from each Supervisorial District, with 95% make up of the panel being Latino.
  - Panel will work with other local jurisdictions and open to public input.
  - Require a short turnaround time for the panel to report back to the Board.
  - County will provide adequate staffing for the panel from support from the Department of Health Services, County Administrator's Office and the Human Services Department.
2. Consider forming an Ad Hoc on financing annexation of Roseland and work with two to three members of the Santa Rosa City Council and staff.

### Supervisor McGuire:

1. Supports a Blue Ribbon Panel/Taskforce and include the following items for discussion of the convened panel/taskforce:
  - Bicultural Town Hall meetings
  - Focus on appointments to Advisory Committees
  - Establish a park in the neighborhood
  - Engage Mooreland residents and other communities feeling disenfranchised
  - Support legislation on replica guns
  - Police training
  - Civilian review panel
  - Cameras on lapels
  - Annual Report to the Community
  - Community policing
  - Educational programming in neighborhoods
  - Separating the Coroner's Office from the Sheriff's Office

### Chairman Rabbitt:

1. Transparent investigation - Task the panel or taskforce to provide recommendations on how we define transparency
2. Support gun control
3. Seek legislative advocacy on ban of replica guns
4. Supports formation of Blue Ribbon Panel/Taskforce:
  - Direct staff to formulate a model that is inclusive, with representatives from the entire community
  - Annexation/Look into the gap analysis
  - Police training recommendations

## INVOCATION AND COMMUNITY HEALING (Continued)

- Separating Coroner's Office from Sheriff's Office
- Find resources and means to finance
- Invest in community policing
- Reach out to the community

The Board directed staff to synthesize the recommendations presented and bring back an item for discussion at the December 3, 2013 meeting.

12:04 P.M. The Board recessed

12:37 P.M. The Board reconvened

Chairman Rabbitt announced that the Board would take the Gold Resolution presentations first, followed by the Consent Calendar. He announced that Regular Item #37 Building Resiliency for Our Water Supply Against Seismic and Extreme Weather Events, would move to the Consent Calendar.

## II. APPROVAL OF THE AGENDA (Items may be added or withdrawn from the agenda consistent with State law)

Chairman Rabbitt announced that Consent Item #15 Personal Services Agreement –General Services Director, was been pulled from the agenda and Item #37 Building Resiliency for Our Water Supply Against Seismic and Extreme Weather Events, was moved to the Consent Calendar and presentation for the item would come back at later date.

## III. BOARD MEMBER ANNOUNCEMENTS

Supervisor McGuire announced that he attended a broadband meeting with Humboldt, Mendocino and Sonoma Counties and received a request to write a letter to Humboldt County Board of Supervisors to initiate broadband discussions.

Supervisor Zane announced that she attended the Bay Area Air Quality Management District Climate Protection Committee; the Sonoma Clean Power Authority Ad-hoc Committee meeting; and led a Know Your Rights Forum with Congressman Mike Thompson.

Supervisor Carrillo announced he participated on a Water Bond Coalition conference call with Assemblyman Chesbro.

Chairman Rabbitt announced he attended the Golden Gate Bridge Highway Transportation District Officer Recruitment meeting; the labor relations meeting; and the Building Economic Success Together Board meeting.

IV. CONSENT CALENDAR (Items 2 through 35)

PRESENTATIONS/GOLD RESOLUTIONS

(Items 2 through 10)

PRESENTATIONS AT BOARD MEETING

2. Adopt a Gold Resolution recognizing the 75th Anniversary of Kristallnacht, "The Night of the Shattered Glass," held on November 10, 2013. (First and Third Districts)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 13-0428

3. Adopt a Gold Resolution honoring November 11, 2013 as "Veterans Day" in Sonoma County." (Human Services)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 13-0429

4. Adopt a Gold Resolutions honoring Dr. Steve Bromer, David Coppini, Sean Lyons, Meghan Murphy, and Face to Face, Sonoma County AIDS Network for distinguished service and dedication to improving the quality of life of Sonoma County residents affected by HIV infection. (Health Services)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 13-0430 a-e

5. Adopt a Gold Resolution proclaiming December 1, 2013 World AIDS Day in Sonoma County. (Health Services)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 13-0431

6. Adopt a Gold Resolutions recognizing the five recipients of the Sonoma County Jefferson Awards for Public Service for 2013. (Human Resources)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 13-0432 a-e

PRESENTATIONS AT DIFFERENT DATE

7. Adopt a Gold Resolution proclaiming the week of October 13 - 19, 2013 as celebrate Safari West Week in Sonoma County. (Fourth District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 13-0433

CONSENT CALENDAR (Continued)

8. Adopt a Gold Resolution proclaiming November 3, 2013, as "Windsor Military Hometown Heroes Banner Day." (Fourth District)

Board Action: Approved as Recommended  
UNANIMOUS VOTE

Approved by Resolution No. 13-0434

9. Adopt a Gold Resolution recognizing United Nations Day on October 24, 2013. (County-wide)

Board Action: Approved as Recommended  
UNANIMOUS VOTE

Approved by Resolution No. 13-0435

10. Adopt a Gold Resolution congratulating the Fort Ross-Seaview Winegrowers Association on their inaugural event celebrating the Fort Ross-Seaview viticultural area, established in 2012. (Fifth District)

Board Action: Approved as Recommended  
UNANIMOUS VOTE

Approved by Resolution No. 13-0436

SONOMA COUNTY WATER AGENCY

(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

11. Authorize the Chair to execute the contract with Hayward Baker, Inc., for \$1,663,600, through estimated completion date of May 27, 2014, for construction of the Mirabel Site Seismic Improvements project, and delegate authority to the General Manager of the Water Agency to execute agreement and release of any and all claims, if required. (Fourth and Fifth Districts)

Board Action: Approved as Recommended  
UNANIMOUS VOTE

12. Authorize the Chair to execute the second amended agreement with CDM Smith Inc. for the Kawana-Ralphine Reliability Pipeline project in an amount not to exceed \$164,851, expanding existing tasks in the scope of work, for a new not-to-exceed agreement total of \$380,874 with a term end date of June 30, 2015. (Third District)

Board Action: Approved as Recommended  
UNANIMOUS VOTE

13. Authorize the Chair to execute and accept Easement Agreement with Meadow Creek Associates, LLC to acquire a permanent easement for a portion of the existing Oakmont Pipeline. (First District)

Board Action: Approved as Recommended  
UNANIMOUS VOTE

CONSENT CALENDAR (Continued)

COUNTY ADMINISTRATOR

14. Authorize the Chair to execute a Personal Services Agreement with J. Tennis Wick as Director of the Permit and Resources Department, from November 12, 2013 through November 12, 2016.

Board Action: Approved as Recommended  
UNANIMOUS VOTE

15. Authorize the County Administrator to execute a Personal Services Agreement with Jose Obregon as Director of General Services, from September 10, 2013 through September 10, 2016.

Item #15 was pulled from the agenda.

16. Authorize the Chair to execute a Personal Services Agreement with Caryl Hart as Director of Regional Parks, from November 11, 2013 through November 11, 2016.

Board Action: Approved as Recommended  
UNANIMOUS VOTE

DISTRICT ATTORNEY

17. Adopt a Resolution authorizing the Chair to execute a Federal Equitable Sharing Agreement and Certification with the U.S. Department of Justice and the U.S. Department of Treasury for Fiscal Year 2012-2013

Board Action: Approved as Recommended  
UNANIMOUS VOTE

Approved by Resolution No. 13-0437

18. Authorize the District Attorney to sign a contract with the California Office of Emergency Services to provide a Violence Against Women Vertical Prosecution program and accept \$215,488 in grant funding for the term July 1, 2013, to June 30, 2014.

Board Action: Approved as Recommended  
UNANIMOUS VOTE

19. Authorize the Chair to retroactively execute agreements for professional services with YWCA of Sonoma County, Legal Aid of Sonoma County, Verity, Council on Aging, and Catholic Charities, for the term of October 1, 2013 through August 31, 2016. The total amount of these agreements is \$268,017.64; and Adopt a Resolution to appropriate \$107,953.57 to the Fiscal Year 2013-2014 budget to contract services with the non-profit agencies at the Family Justice Center Sonoma County. (4/5 vote required)

Board Action: Approved as Recommended  
UNANIMOUS VOTE

Approved by Resolution No. 13-0438

CONSENT CALENDAR (Continued)

GENERAL SERVICES / HEALTH SERVICES

20. Authorize the General Services Director to execute a lease with 490 Mendocino T.I.C. (Landlord), comprised of approximately 9,605 sq. ft. of office space in Suites 101, 102, 103, at 490 Mendocino Avenue, Santa Rosa, California, for the Department of Health Services for an initial rate of \$1.87 per sq. ft. per month (approximately \$17,961 per month, or \$215,536 per year), which is subject to adjustment as more particularly described in said lease, for an initial five-year term, with three, 3-year extension options.

Board Action: Approved as Recommended  
UNANIMOUS VOTE

GENERAL SERVICES / SHERIFF'S OFFICE / PROBATION / COUNTY ADMINISTRATOR

21. Adopt a Resolution authorizing Sonoma County to conditionally accept the AB 900 Phase II funding in the amount of \$36,295,000 conditional award to be combined with potential funding from SB 1022 application in the amount of \$24,000,000, and to start the time lines for both AB 900 and SB 1022 grant processes upon receipt of conditional award from SB 1022 for the construction of the proposed justice facility, which includes 80 minimum security detention beds and an 80 bed Community Corrections Center.

Board Action: Approved as Recommended  
UNANIMOUS VOTE

Approved by Resolution No. 13-0439

HEALTH SERVICES

22. Adopt three Resolutions authorizing the Director of Health Services to execute Grant Agreements providing funding for capital costs and service expansion to: Santa Rosa Community Health Centers in the amount of \$100,000; PDI Surgery Center in the amount of \$100,000; and Sonoma County Indian Health Project, Inc. in the amount of \$100,000.

Board Action: Approved as Recommended  
UNANIMOUS VOTE

Approved by Resolution Nos. 13-0440, 13-0441, 13-0442

HUMAN RESOURCES

AND

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

COMMUNITY DEVELOPMENT COMMISSION

NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT

SONOMA COUNTY WATER AGENCY

(Directors/Commissioners: Gorin, Rabbitt, Zane, McGuire, Carrillo)

23. Authorize the Director of Human Resources to execute agreements with 14 selected employment investigative firms, in amounts not to exceed \$100,000 per agreement, per annum, for 4 year terms with the following selected investigative firms: 14 J.M. Bova & Associates; Kronick, Moskovitz, Tiedemann & Girard; Linda Daube; McMillan & Shureen LLP; Renne, Sloan, Holtzman & Sakai LLP; Hirschfeld Kraemer LLP; Wise Gleicher; G4S

CONSENT CALENDAR (Continued)

Item #23 Continued

Compliance & Investigations; CPS HR Consulting; Meyers Nave; Liebert Cassidy Whitmore; Jackson Lewis LLP; Porter Scott; and Whitestar Group, Inc.

Board Action: Approved as Recommended

UNANIMOUS VOTE

24. Authorize the Director of Human Resources to execute an amendment to the current contract with Biddle Consulting Group, Inc. for Equal Employment Opportunity (EEO) consulting services to increase the maximum contract amount from \$25,000 to \$50,000 for the term August 1, 2013 through July 31, 2014.

Board Action: Approved as Recommended

UNANIMOUS VOTE

PERMIT AND RESOURCE MANAGEMENT

25. Authorize the Chair to execute a Deed and Covenant to allow one detached farm family dwelling unit on property located at 2450 Sweetwater Springs Road, Healdsburg APN 110-200-019. Jean Kapolchok and Associates for Bruce Aidells, owner, File No. ZPE13-0086. (Fifth District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

PROBATION

26. Authorize the Chief Probation Officer to execute a Memorandum of Understanding (MOU) with the City of Santa Rosa Police Department allowing the Probation Department to reimburse costs associated with SRPD's Safe Streets Task Force Officer (\$93,923) during the period July 1, 2013 through June 30, 2014.

Board Action: Approved as Recommended

UNANIMOUS VOTE

REGIONAL PARKS

27. Authorize the Chair to execute a Joint Powers Agreement with the City of Cloverdale for landscape maintenance services at Cloverdale River Park from July 1, 2013 through June 30, 2016, not to exceed \$80,000 over 3 years. (Fourth District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

28. Authorize the Director of Regional Parks to execute a one year Revocable License agreement with Jeff and Kim Jones for grazing at Taylor Mountain Regional Park for a term of July 1, 2013-June 30, 2014, resulting in revenue of \$8,160 per year, and approve up to two 6 month extensions at the expiration of the initial term, upon satisfactory performance by the licensee. (Third and First Districts)

Board Action: Approved as Recommended

UNANIMOUS VOTE



CONSENT CALENDAR (Continued)

REGIONAL PARKS / HUMAN SERVICES

29. Adopt a Resolution waiving Regional Parks day use fees (\$7 per vehicle) for eligible military personnel and dependents for Veterans Day weekend, starting on Friday, November 8, 2013 through Monday, November 11, 2013.

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 13-0443

TRANSPORTATION AND PUBLIC WORKS

30. Approve plans and specifications for the 2012-13 Rural Road Safety - Striping Various County Roads project (M12015); and Award contract for construction to low bidder, Chrisp Company, for the base bid plus Alternate A (additional 14.64 miles), in the amount of \$640,446.05 and authorize the Chair to execute the construction contract.

Board Action: Approved as Recommended

UNANIMOUS VOTE

31. Approve and authorize the Chair to execute the Consent to Transfer of ownership of tenant regarding property located at the Charles M. Schulz - Sonoma County Airport currently leased to Reach-CSC, LLC and any other documents reasonably required to effect said Consent to Transfer. (Fourth District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

32. Adopt a Resolution vacating excess road right-of-way to F. Korbel & Bros., a Corporation on River Road; direct and authorize the Chair to execute a Quitclaim Deed transferring said right-of-way to F. Korbel & Bros., a Corporation. (Fifth District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 13-0444

33. Adopt a Resolution approving the installation of a mid-block crosswalk on Bodega Highway in the Town of Bodega. (Fifth District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 13-0445

MISCELLANEOUS

34. Approval of Minutes - (A) Minutes of the Meeting of October 15, 2013 for the following: Agricultural Preservation and Open Space District, Northern Sonoma County Air Pollution Control District, Sonoma County Water Agency, and Board of Supervisors; (B) Minutes of the Meeting of October 22, 2013 for the following: Agricultural Preservation and Open Space District, Community Development Commission, Northern Sonoma County Air Pollution Control District, Occidental County Sanitation District, Russian River County

CONSENT CALENDAR (Continued)

Item #34 Continued

Sanitation District, South Park County Sanitation District, Sonoma County Water Agency, and Board of Supervisors; and (C) Minutes of the Meeting of October 22, 2013 of the Sonoma Valley County Sanitation District.

Board Action: Approved as Recommended

UNANIMOUS VOTE

APPOINTMENTS/REAPPOINTMENTS

(Item 35)

35. Appoint John B. Suazo, J.D. to the Mental Health Board for a 3 year term effective November 1, 2013 through December 31, 2016. (Fourth District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

SONOMA COUNTY WATER AGENCY

(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

37. Direct the General Manager to return to the Board of Directors with a work plan to conduct a Vulnerability Assessment and prepare a Climate Change Adaptation Plan; and Adopt a Resolution supporting continued development of the San Francisco Bay Area Advanced Quantitative Precipitation Information (AQPI) System and its inclusion in the San Francisco Bay Area's Proposal under Round 3 of Proposition 84 Integrated Regional Water Management Implementation Grant Funding.

Item #37 was moved from the Regular Calendar to the Consent Calendar. The Board directed staff to return at a later date to make an informational presentation.

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No. 13-0446

V. REGULAR CALENDAR (Items 36 through 37)

FIRE AND EMERGENCY SERVICES / PERMIT AND RESOURCE MANAGEMENT

36. Ordinances amending Chapters 7, Chapter 13, and Chapter 29 of the Sonoma County Code -  
Conduct three public hearings on proposed Ordinances:

2:05 P.M.

Present: DeWayne Starnes, Interim Director, Permit and Resource Management Department;  
Assistant Fire Chief Andrew Parsons, and Steve Mosiurchak, Fire and Emergency Services

(A) Amending Chapters 7, Building Regulations, and 7D2, Local Energy Efficiency Standards, of the Sonoma Code to adopt with local amendments, the Title 24 California Code of Regulations 2013 Codes referenced therein (Building Codes, Volumes 1 and 2, California Residential Code, Green Building Standards Code, Mechanical Code, Plumbing Code, Electrical Code, Energy Code, Referenced Standards Code, and Administrative Code), and making other technical and administrative revisions to Chapters 7, and 7D2. (Second Reading - Ready for Adoption)

2:11 P.M. Public Hearing opened

2:11 P.M. Public Hearing closed

(B) Accepting by reference the 2013 edition of the California Fire Code and amending the Sonoma County Code Chapter 13 with local fire code amendments. If adopted the effective date of the ordinance will be January 1, 2014. (Second Reading - Ready for Adoption)

2:11 P.M. Public Hearing opened

Debra Taveras

Tom Krohmer

2:13 P.M. Public Hearing closed

(C) Amending Chapter 29 of the Sonoma County Code, relating to the California Fire Code, 2013 edition, and making technical and administrative revisions. If adopted the effective date of the ordinance will be January 1, 2014. (Second Reading - Ready for Adoption)

2:13 P.M. Public Hearing Opened

2:13 P.M. Public Hearing Closed

Board Action: Approved as Recommended  
UNANIMOUS VOTE

ACTION (A) Approved by Ordinance No. 6048

ACTION (B) Approved by Ordinance No. 6049

ACTION (C) Approved by Ordinance No. 6050

2:15 P.M. The Board recessed

VI. CLOSED SESSION CALENDAR (Items 38 through 41)

6:51 P.M. Counsel Goldstein reported on Closed Session items #38-41.

38. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Threatened Litigation (Govt. Code Section 54956.9(d)(4)).

Direction was given to Counsel and staff.

39. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Threat to Public Services or Facilities (Govt. Code Section 54957(a)).

Direction was given to the Sheriff.

40. The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, and the Board of Directors of the Agricultural Preservation and Open Space District will consider the following in closed session: Conference with Labor Negotiator, Agency Negotiators: Wendy Macy/Carol Allen/ Janae Novotny, Burke & Associates, Carol Stevens, Burke & Associates, and Janet Cory Sommer, Burke & Associates. Employee organization: All. Unrepresented employees: All, including retired employees (Govt. Code Section 54957.6 (b)).

Direction was given to Labor Negotiators.

41. The Board of Supervisors will consider the following in closed session: Public Employee Performance Evaluation - Title: County Administrator (Govt. Code Section 54957(b)(1)).

Direction was given to staff.

VII. REGULAR AFTERNOON CALENDAR (Items 42 through 48)

2:27 P.M. - RECONVENED

Supervisors Present: Susan Gorin, David Rabbitt, Shirlee Zane, Mike McGuire

Supervisor Absent: Efren Carrillo

Staff Present: Veronica Ferguson, County Administrator and Bruce Goldstein, County Counsel

42. Report on Closed Session.

4:25 P.M. The Board convened into Closed Session after item #47.

6:51 P.M. The Board reconvened from Closed Session.

Counsel Goldstein reported on Closed Session items #38-41. See section VI.

43. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA (Comments are restricted to matters within the Board's jurisdiction. The Board will hear public comments at this time for up to thirty minutes. Please be brief and limit your comments to three minutes. Any additional public comments will be heard at the conclusion of the meeting.)

2:27 P.M. Public Comment Opened

Tom Krohmer  
Rachel Socrum

2:33 P.M. Supervisor Carrillo joined the meeting

Maureen DeVoe  
Richard E. Hannan  
John Jenkel  
Eddie Alvarez  
Karen Fraser  
Michelle Miller  
Deborah Taveras  
Mary Moore  
Frank Baumgardner

3:00 P.M. Public Comment Closed

44. Permit and Resource Management Department: Review and possible action on the following:
- a) Acts and Determinations of Planning Commission/Board of Zoning Adjustments
  - b) Acts and Determinations of Project Review and Advisory Committee
  - c) Acts and Determinations of Design Review Committee
  - d) Acts and Determinations of Landmarks Commission
  - e) Administrative Determinations of the Director of Permit and Resource Management

REGULAR AFTERNOON CALENDAR (Continued)

Item #44 Continued

3:00 P.M. No Acts or Determinations were acted on or reviewed.

3:00 P.M. David Hurst, Deputy County Counsel joined the Board replacing Counsel Goldstein.

PERMIT AND RESOURCE MANAGEMENT

45. - AGP13-0008 - (FOURTH DISTRICTS)

- a) APPLICANT: Richard M. Kunde and Saralee McClelland Kunde
- b) LOCATION: 1998 Jones Road, Windsor
- c) ASSESSOR'S PARCEL NO.: 066-210-090 and APN 066-210-103
- d) ENVIRONMENTAL DOCUMENT: Categorical Exemption
- e) REQUEST: Conduct public hearing and adopt a Resolution: (1) Finding the project exempt from CEQA; (2) Finding that Agricultural Preserve 1-543 qualifies for an exception from the requirement that it be at least 100 acres; (3) Approving the addition of 22.01 acres to Agricultural Preserve 1-543, for a total size of 91.0 acres; (4) Approving the requested Land Conservation Contract (Williamson Act Contract), and the Land Conservation Plan attached and incorporated into it for 40.11 acres as a condition of a previously approved Lot Line Adjustment (LLA04-0058) and to ensure the legal description under the contract coincides with the adjusted boundary lines, for property located at 1998 Jones Road, Windsor, APN 066-210-090 and APN 066-210-103; (5) Authorize the Chair to execute the approved Williamson Act Contract and Land Conservation Plan; and (6) Delegate authority to the Director of Permit and Resource Management Department to approve and execute future amendments to the Land Conservation Plan.

3:01 P.M.

Present: Traci Tesconi, Project Planner, Permit and Resource Management Department

2:38 PM Public Hearing Open

2:39 PM Public Hearing Closed

Board Action: Adopt a Resolution (1) Finding The Project Exempt From CEQA; (2) Finding That Agricultural Preserve 1-543 Qualifies For An Exception From The Requirement That It Be At Least 100 Acres; (3) Approving The Addition Of 22.01 Acres To Agricultural Preserve 1-543, For A Total Size Of 91.0 Acres; (4) Approving The Request By Richard M. And Saralee McClelland Kunde 1994 Trust For A Replacement Land Conservation Contract (Williamson Act Contract), And Land Conservation Plan Attached And Incorporated Into It For 40.11 Acres As A Condition Of A Previously Approved Lot Line Adjustment (LLA04-0058) And To Ensure The Legal Description Under The Contract Coincides With The Adjusted Boundary Lines; (5) Authorize The Chair To Execute The Approved Williamson Act Contract And Land Conservation Plan; And (6) Delegate Authority To The Director Of PRMD To Approve And Execute Future Amendments To The Land Conservation Plan, For Property Located At 1998 Jones Road, Windsor, APNs 066-210-090 And 066-210-103, Fourth District.

UNANIMOUS VOTE

Approved by Resolution 13-0447

REGULAR AFTERNOON CALENDAR (Continued)

46. - GENERAL PLAN AMENDMENTS

(A) ZCE13-0004 - (ALL DISTRICTS)

- a) APPLICANT: County of Sonoma
- b) LOCATION: Various
- c) ASSESSOR'S PARCEL NO.: Various
- d) ENVIRONMENTAL DOCUMENT: Categorical Exemption
- e) REQUEST: Conduct a public hearing and request for various amendments to the General Plan and Zone Changes to correct technical errors in the General Plan and Official Zoning Database; and adopt a Resolution approving the proposed General Plan Amendments and Adopt an Ordinance rezoning the properties.

Present: Jennifer Barrett, Deputy Director Planning, Permit and Resource Management Department

2:38 PM Public Hearing Open

2:39 PM Public Hearing Closed

Board Action: Adopt a Resolution Finding The Project Exempt From CEQA And Approving The Requested General Plan Amendments and Zone Changes To Correct Various Technical Errors In The General Plan Land Use Maps and Official Zoning Database of The County of Sonoma.

UNANIMOUS VOTE

Approved by Resolution 13-0448

Board Action: Adopt an Ordinance Amending The Official Zoning Database Of The County Of Sonoma, Adopted By Reference By Section 26-02-110 Of The Sonoma County Code, To Correct Technical Errors Contained In The Official Zoning Database.

UNANIMOUS VOTE

Approved by Ordinance 6051

(B) PLP13-0024 - (FIFTH DISTRICT)

- a) APPLICANT: Jean Kapolchok and Associates for Graton Fire Protection District c/o Bill Bullard
- b) LOCATION: 4060 Green Valley School Road, Graton
- c) ASSESSOR'S PARCEL NO.: 104-110-004
- d) ENVIRONMENTAL DOCUMENT: Categorical Exemption
- e) REQUEST: Conduct a public hearing and request for: 1) a General Plan Amendment from the PQP (Public Quasi-Public) to the RR (Rural Residential) 5 acre density land use designation; and 2) a corresponding Zone Change from the PF (Public Facilities), Z (Second Dwelling Unit Exclusion), HD (Historic District) to the AR (Agriculture and Residential), B6-5 acre density, Z, HD zoning districts on a 2.0 acre parcel.

REGULAR AFTERNOON CALENDAR (Continued)

Item #46B Continued

3:02 P.M.

Present: Jennifer Barrett, Deputy Director Planning, Permit and Resource Management Department

3:03 PM Public Hearing Open

Jean Kapolchok

3:03 PM Public Hearing Closed

Board Action: Adopt a Resolution Finding The Project Exempt From CEQA And Approving The Requested General Plan Amendment And Zone Change As Requested By Jean Kapolchok For The Graton Fire Protection District, For Property Located At 4060 Green Valley School Road, Graton; APN 104-110-004.

UNANIMOUS VOTE

Approved by Resolution 13-0449

Board Action: Adopt an Ordinance Amending The Official Zoning Database Of The County Of Sonoma, Adopted By Reference By Section 26-02-110 Of The Sonoma County Code, By Reclassifying Certain Real Property From PF (Public Facilities), HD (Historic District), Z (Second Dwelling Unit Exclusion) District To The AR (Agriculture Residential), HD (Historic District), Z (Second Dwelling Unit Exclusion) District For 2.0 Acres Located At 4060 Green Valley School Road, Graton, APN 104-110-004.

UNANIMOUS VOTE

Approved by Ordinance 6052

3:05 P.M. The Board recessed

3:19 P.M. The Board reconvened

47. - PLP09-0035- (FIRST DISTRICT)

- a) APPLICANT: Bodean, Inc.
- b) LOCATION: 4411 Porter Creek Road, Santa Rosa
- c) ASSESSOR'S PARCEL NO.: 120-210-006, -031 and -048
- d) ENVIRONMENTAL DOCUMENT: Environmental Impact Report
- e) REQUEST: Conduct a public hearing and certify the Final Environmental Impact Report, approve a rezoning of a 33 acre portion of an 99-acre parcel to add the Mineral Resource Combining District, approve a Use Permit and Mining and Reclamation Plan with a production limit of 500,000 cubic yards (750,000 tons) per year for a 20-year period subject to the Mitigation Monitoring Plan and conditions of approval, and adopt a Statement of Overriding Considerations.



REGULAR AFTERNOON CALENDAR (Continued)

Item #47 Continued

3:19 P.M.

Present: Sigrid Swedenborg, Project Planner and Jennifer Barrett, Deputy Director Planning, Permit and Resource Management Department

Speakers:

Dean Soiland

Bill R. Williams

3:32 PM Public Hearing Open

Janet Angell

Herbert Ginsberg

3:38 PM Public Hearing Closed

Straw Vote: Motion To Continue To Make A Final Decision In The Consideration of Final Approval To Certify The Final Environmental Impact Report, Approve A Rezoning Of A 33 Acre Portion Of An 99-Acre Parcel To Add The Mineral Resource Combining District, Approve A Use Permit And Mining And Reclamation Plan With A Production Limit Of 500,000 Cubic Yards (750,000 Tons) Per Year For A 20-Year Period Subject To The Mitigation Monitoring Plan And Conditions Of Approval, And Adopt A Statement Of Overriding Considerations, Location 4411 Porter Creek Road, Santa Rosa, APN 120-210-006, -031 And -048.

UNANIMOUS VOTE

Board Action: Adopt a Resolution continuing the final decision to December 10, 2013 on the consent calendar.

UNANIMOUS VOTE

Approved by Resolution 13-0450

4:25 P.M. The Board recessed into Closed Session on Items #38-41.

6:51 P.M. The Board reconvened from Closed Session.

48. ADJOURNMENTS

6:52 P.M. The Board adjourned the meeting in memory of Michael Hinton, Sybil May Hardy, and Andy Lopez. The meeting was adjourned to November 12, 2013 at 8:30 A.M.

Respectfully submitted,

Michelle Arellano, Chief Deputy Clerk of the Board

**ACTION SUMMARY**  
**BOARD OF SUPERVISORS**  
**SONOMA COUNTY**  
**575 ADMINISTRATION DRIVE, ROOM 102A**  
**SANTA ROSA, CA 95403**

**TUESDAY**

**NOVEMBER 12, 2013**

**8:30 A.M.**

|                |                 |                      |                      |
|----------------|-----------------|----------------------|----------------------|
| Susan Gorin    | First District  | Veronica A. Ferguson | County Administrator |
| David Rabbitt  | Second District | Bruce Goldstein      | County Counsel       |
| Shirlee Zane   | Third District  |                      |                      |
| Mike McGuire   | Fourth District |                      |                      |
| Efren Carrillo | Fifth District  |                      |                      |

This is a simultaneous meeting of the Board of Supervisors of Sonoma County, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Board of Directors of the Northern Sonoma County Air Pollution Control District, and as the governing board of all special districts having business on the agenda to be heard this date.

The Board welcomes you to attend its meetings which are regularly scheduled each Tuesday at 8:30 a.m. Your interest is encouraged and appreciated.

**AGENDAS AND MATERIALS:** Agendas and most supporting materials are available on the Board's website at <http://www.sonoma-county.org/board/>. Due to legal, copyright, privacy or policy considerations, not all materials are posted online. Materials that are not posted are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 575 Administration Drive, Room 100A, Santa Rosa, CA.

**SUPPLEMENTAL MATERIALS:** Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Board of Supervisors office at 575 Administration Drive, Room 100A, Santa Rosa, CA, during normal business hours.

**DISABLED ACCOMMODATION:** If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Clerk of the Board at (707) 565-2241, as soon as possible to ensure arrangements for accommodation.

**Public Transit Access to the County Administration Center:**

Sonoma County Transit: Rt. 20, 30, 44, 48, 60, 62

Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

For transit information call (707) 576-RIDE or 1-800-345-RIDE or visit or <http://www.sctransit.com/>.

***APPROVAL OF THE CONSENT CALENDAR***

The Consent Calendar includes routine financial and administrative actions, are usually approved by a single majority vote. There will be no discussion on these items prior to voting on the motion unless Board Members or the public request specific items be discussed and/or removed from the Consent Calendar.

***PUBLIC COMMENT***

Any member of the audience desiring to address the Board on a matter on the agenda: Please walk to the podium and after receiving recognition from the Chair, please state your name and make your comments. Closed session items may be added prior to the Board adjourning to closed session. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the subject under discussion. Each person is usually granted 3 minutes to speak; time limitations are at the discretion of the Chair.

## 8:31 A.M. CALL TO ORDER

8:31 A.M. Chairman Rabbitt called the meeting to order.

Supervisors Present: Susan Gorin, David Rabbitt, Mike McGuire, Efren Carrillo

Supervisor Absent: Shirlee Zane

Present: Veronica A. Ferguson, County Administrator and Bruce Goldstein, County Counsel

Chairman Rabbitt presiding.

## PLEDGE OF ALLEGIANCE

### I. APPROVAL OF THE AGENDA (Items may be added or withdrawn from the agenda consistent with State law)

Chairman Rabbitt announced that Closed Session Item #43 had been withdrawn from the agenda.

### II. BOARD MEMBER ANNOUNCEMENTS

Supervisor McGuire announced that the Alexander Valley Health Center's status designation changed from rural health center to Federally Qualified Health Center and a community meeting with all northern Sonoma County School Districts will convene in December to discuss the Andy Lopez tragedy.

Supervisor Gorin announced that she had chaired the Sonoma Clean Power Authority Board meeting; participated in a Veterans Day retirement of the flags ceremony; attended the Local Agency Formation Commission meeting; and announced the Craft Beverage Conference in Santa Rosa on November 12, 2013.

Supervisor Carrillo reported that he had attended the Local Agency Formation Commission meeting; the grand opening of the Via Esperanza Center of Education and Family Resources; and participated in a Santa Rosa Junior College forum for students, faculty and staff regarding the Andy Lopez tragedy.

Chairman Rabbitt announced that he had participated on a Golden Gate Bridge Highway Transportation Board District conference call regarding the evaluation of officers; attended a special joint Association of Bay Area Governments and Metropolitan Transportation Commission meeting; and the Petaluma Veterans parade.

### III. CONSENT CALENDAR (Items 1 through 35)

#### PRESENTATIONS/GOLD RESOLUTIONS

(Items 1 through 6)

#### CONSENT CALENDAR (Continued)

#### PRESENTATIONS AT DIFFERENT DATE

1. Adopt a Gold Resolution recognizing November 2013 as Pulmonary Hypertension Awareness Month. (First District)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

Approved by Resolution No. 13-0451

2. Adopt a Gold Resolution commending Rick Theis on his exemplary service to the community of the County of Sonoma. (First and Third Districts)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

Approved by Resolution No. 13-0452

3. Adopt a Gold Resolution congratulating David Aguilar on being named Sonoma Treasure Artist for 2013. (First District)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

Approved by Resolution No. 13-0453

4. Adopt a Gold Resolution recognizing the First 5 Sonoma County Commission for its continuing efforts on behalf of Sonoma County's youngest children and recognizing the 15th Anniversary of the passage of Proposition 10, the California Children and Families First Act of 1998. (Health Services)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

Approved by Resolution No. 13-0454

5. Adopt a Gold Resolution recognizing the Grand Opening of the Fountaingrove Lodge, the nation's first lesbian, gay, bisexual and transgender (LGBT) retirement community to offer resort living and continuing care services. (Third and Fourth Districts)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

Approved by Resolution No. 13-0455

CONSENT CALENDAR (Continued)

6. Adopt a Gold Resolution commending Clarence Wikse on his many years of public service and engagement and congratulating him on his 101st birthday. (Fifth District)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

Approved by Resolution No. 13-0456

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

7. Authorize the General Manager of the Sonoma County Agricultural Preservation and Open Space District (District) to execute "as needed" professional services agreements for environmental and land management services with: (A) Rob Evans and Associates in an amount not-to-exceed \$150,000; (B) Prunuske Chatham, Inc. in amount not-to-exceed \$100,000; and (C) Pacific Watershed Associates in an amount not-to-exceed \$75,000 ; (D) North Coast Resource Management in an amount not-to-exceed \$100,000; (E) Vollmar Natural Land Consulting in an amount not-to-exceed \$75,000; (F) Matt Greene Forestry and Biological Consulting in an amount not-to-exceed \$50,000; and (G) Roger Sternberg Forestry and Land Conservation Consulting Services in an amount not-to-exceed \$50,000.

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

8. Adopt a Resolution approving the sale of a conservation easement interest and the grant of a temporary construction easement from the District to the State of California-Caltrans for \$6,330 in connection with the Marin-Sonoma Narrows U.S. 101 Project; authorizing the President of the Board of Directors execute a quit claim deed and right of way contract (A.P.N. 019-340-001, 019-350-006, and 019-350-009). (4/5 vote required) (Second District)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

Approved by Resolution No. 13-0457

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

SONOMA COUNTY WATER AGENCY

(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

AND

INFORMATION SYSTEMS / TRANSPORTATION AND PUBLIC WORKS

9. Authorize the General Manager of the Sonoma County Water Agency, the Director of the Sonoma County Information Services Department, and the Director of the Sonoma County Transportation and Public Works Department to enter into reimbursement agreements with the Sonoma County Agricultural Preservation and Open Space District for the production of environmental geospatial data for \$373,113, \$86,450, and \$20,000 respectively; and Authorize the General Manager of the Sonoma County Agricultural Preservation and Open Space District to amend an existing agreement with Tukman Geospatial L.L.C. to include additional products and services.

CONSENT CALENDAR (Continued)

Item #9 Continued

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

SONOMA COUNTY WATER AGENCY

(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

10. Authorize the Chair to certify Annual Reports for: 1) Term 3, Year 4 (2012-2013) for the National Pollutant Discharge Elimination System Discharge Permit No. CA0025054 for Storm Water Discharges from the Santa Rosa Area, and 2) Year 10 (2012-13) for the National Pollutant Discharge Elimination System Discharge Permit No. CAS000004 for Storm Water Discharges from the urbanized unincorporated areas around the City of Sonoma and the City of Petaluma; approve the submittal of the annual report packages to the North Coast Regional Water Quality Control Board and San Francisco Bay Regional Water Quality Control Board, respectively.

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

SONOMA COUNTY WATER AGENCY

(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

AND

PERMIT AND RESOURCE MANAGEMENT

11. Authorize the Chair to execute cooperative agreement between County of Sonoma through its Permit and Resource Management Department and Sonoma County Water Agency (County Agreement) for County to provide funds to Water Agency for California Statewide Groundwater Elevation Monitoring Program in the amount of \$100,000; agreement terminates on June 30, 2018; and authorize the General Manager of the Water Agency or County's Permit and Resource Management Director to terminate the County Agreement, if appropriate; and Authorize the General Manager of the Water Agency to execute agreements for the following entities to provide Program monitoring services with: a) Gold Ridge Resource Conservation District for Program monitoring services for the amount of \$45,225; agreement terminates on June 30, 2018; b) Sonoma Resource Conservation District for Program monitoring services for the amount of \$36,042; agreement terminates on June 30, 2018; c) California Land Stewardship Institute for Program monitoring services for the amount of \$23,660; agreement terminates on June 30, 2018

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

CONSENT CALENDAR (Continued)

AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR

12. Review and approve the quarterly Treasury Financial Report July 1 through September 30, 2013.

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

BOARD OF SUPERVISORS

13. Adopt a Resolution approving the Board of Supervisors exercising original jurisdiction for the modification of a Use Permit (PLP02-0072) for a public recycling facility for Novato Disposal Service Inc., located at 2543 Petaluma Blvd. S., Petaluma; APN 019-220-038. (Second District)

Speakers:

Jennifer Barrett, Deputy Director Planning, Permit & Resource Management Department  
Christina Caro

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

Approved by Resolution No. 13-0458

14. Disbursement of Fiscal Year 2013-14 Second District Advertising Funds - Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entity for advertising and promotions activities for Fiscal Year 2013-14: Petaluma Music Festival, \$1,500.

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

COUNTY ADMINISTRATOR

15. Authorize the County Administrator to execute a Personal Services Agreement Alfred Terrell as Director of Fire and Emergency Services, from December 2, 2013 through December 2, 2016.

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

CONSENT CALENDAR (Continued)

FIRE AND EMERGENCY SERVICES

16. Authorize the Fire and Emergency Services Department Director to execute the Fiscal Year 2013-2014 Urban Areas Security Initiative Memorandum of Understanding with the City and County of San Francisco for the receipt of Urban Areas Security Initiative regional grant funds in the amount of \$203,804 for staff and computer-aided dispatch software.

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

GENERAL SERVICES / COUNTY ADMINISTRATOR / SHERIFF'S OFFICE/ PROBATION

17. Adopt a Resolution replacing Resolution 13-0408 authorizing the application for state lease-revenue bond financing from the Board of State and Community Corrections for County jail funding in the amount of \$24,000,000 for a Community Corrections Center.

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

Approved by Resolution No. 13-0459

HEALTH SERVICES

18. Authorize the Director of Health Services to execute the second amendment to an agreement with Early Learning Institute to enhance services for children by adding screening of at-risk children and providing training and technical assistance for the First 5 Watch Me Grow Program, increasing the agreement by \$60,000 resulting in a new total not to exceed amount of \$695,494 with a term ending June 30, 2015.

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

HUMAN RESOURCES

19. Adopt Resolution approving the Memorandum of Understanding (MOU) between the County of Sonoma and the Sonoma County Deputy Public Defender Attorneys' Association (SCDPDAA) for the period of November 12, 2013 through March 31, 2016.

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

Approved by Resolution No. 13-0460

20. Adopt a Resolution approving the Memorandum of Understanding (MOU) between the County of Sonoma and the Sonoma County Prosecutors' Association (SCPA) for the period of November 12, 2013 through March 31, 2016.



CONSENT CALENDAR (Continued)

Item #20 Continued

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

Approved by Resolution No. 13-0461

HUMAN RESOURCES  
AND  
AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT  
COMMUNITY DEVELOPMENT COMMISSION  
NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT  
SONOMA COUNTY WATER AGENCY  
(Directors/Commissioners: Gorin, Rabbitt, Zane, McGuire, Carrillo)

21. Miscellaneous Classification and Compensation Changes –

- (A) Approve the job classification revisions for General Services Director and Director of Fire Services/Emergency Program Manager including the proposed new title of Director of Fire and Emergency Services;
- (B) Adopt a Concurrent Resolution amending the Memorandum of Understanding between the County and ESC Local 20, Salary Table, to reflect the re-titling of the classifications of Marriage, Family, and Child Counselor Intern to Behavioral Health Clinician Intern, Licensed Clinical Social Worker to Behavioral Health Clinician, and Licensed Clinical Social Worker Specialist to Behavioral Health Clinical Specialist; and abolishing the classifications of Clinical Social Worker Associate, Marriage Family Therapist, and Marriage Family Therapist Specialist; and amending Salary Resolution No. 95-0926, Salary Table, to reflect the re-titling of the classification of Director of Fire Services/Emergency Program Manager to Director of Fire and Emergency Services, effective November 12, 2013. (C) Adopt a Resolution amending the Department Allocation List for the Permit and Resource Management Department to delete 1.0 Full Time Equivalent (F.T.E.) Environmental Specialist allocation and to add 1.0 F.T.E. Senior Environmental Specialist allocation, effective November 12, 2013.

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

Approved by Resolution Nos. 13-0462, 13-0463

HUMAN SERVICES

- 22. Authorize the Director of Human Services to execute two contract amendments with California Parenting Institute; one to increase the amount by \$41,811 for a new total not to exceed amount of \$91,811 for the term July 1, 2012 through June 30, 2014 for the provision of additional administrative support of the redesigned mandated reporter training program; and one to increase the amount by \$21,264 for a new total not to exceed amount of

CONSENT CALENDAR (Continued)

Item #22 Continued

\$443,264 for the term July 1, 2013 through June 30, 2014, for supportive services to child welfare clients.

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

PERMIT AND RESOURCE MANAGEMENT

23. Adopt a Resolution authorizing the Chair to certify the Annual Report for Phase II Year 10 (2012-2013) for the National Pollutant Discharge Elimination System (N.P.D.E.S.) Discharge Permit No. CAS000004 for Storm Water Discharges, and directing the submittal of Annual Report package to the San Francisco Bay Regional Water Quality Control Board.

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane. Approved by Resolution No. 13-0464

PROBATION

24. Authorize the Chief Probation Officer to execute a Memorandum of Understanding (MOU) with the City of Santa Rosa Police Department (SRPD) to reimburse SRPD realignment related costs resulting from participation in special joint field operations (\$50,000) for July 1, 2013-June 30, 2014 funded by AB 109 funds.

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

TRANSPORTATION AND PUBLIC WORKS

25. Adopt a Resolution prohibiting vehicles with trailers or semi-trailers with kingpin to rear axle lengths exceeding thirty-eight feet (38') on Trinity Road between State Route 12 (SR-12) and the Sonoma/Napa County line and authorize the Director of Transportation and Public Works to install associated signage. (First District)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane. Approved by Resolution No. 13-0465

APPOINTMENTS/REAPPOINTMENTS

(Items 26 through 35)

26. Appoint Supervisor David Rabbitt as primary appointment to the California State Association of Counties Board of Directors and Supervisor Mike McGuire as the alternate for the 2013-2014 Association year beginning November 19, 2013. (County Administrator)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

CONSENT CALENDAR (Continued)

27. Appoint Juan Hernandez to the First 5 Sonoma County Commission for the term of December 1, 2013 through November 30, 2014; and Reappoint Commissioners Loren Soukup and Cynthia Murray to the First 5 Sonoma County Commission for the term of December 1, 2013 through November 30, 2016. (Health Services)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

28. Appoint Bradley Hellerud and Diana Curtin to the Youth Council for a one year term ending November 12, 2014; and Reappoint Ron Beiden, James Hackett, Roy Hurd, Stephen Jackson, Valerie McKamey, Bill Nordskog, and Rafael Vasquez to the Youth Council for a two year term ending November 12, 2015; and Reappoint Yale Abrams, Lee Alderman, Ed Barr, Gina Charbonneau, Judy Coffey, Melanie Dodson, Kristina Holloway, Keo Hornbostel, Roy Hurd, Mark Ihde, Stephen Jackson, Bill Nordskog, Chris Paige, Lynn Stauffer, and Pedro Toledo to the Workforce Investment Board for a two year term ending November 12, 2015. (Human Services)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

29. Appoint Edward Crump to the Flood Control Advisory Committee Laguna-Mark West Zone 1A effective November 12, 2013, for a co-terminus term. (Fifth District)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

30. Appoint Connie Aust to the Commission on the Status of Women effective November 12, 2013 through November 12, 2015. (Fifth District)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

31. Reappoint Karissa Kruse to the Sonoma County Tourism Board from January 1, 2014 through December 31, 2015. (Fifth District)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

32. Reappoint Kirk Lok to the Sonoma County Tourism Board from January 1, 2014 through December 31, 2015. (Fifth District)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

CONSENT CALENDAR (Continued)

33. Reappoint Paul Juilly to the Cazadero Community Services District effective December 6, 2013 through December 1, 2017. (Fifth District)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

34. Reappoint Kenneth Giovannetti, Robert Cook and Randal Luginbill to the Rains Creek/ Hiatt Road County Water District for a 4 year term effective December 6, 2013 through December 5, 2017; and Reappoint Sylvia McRae to the Rains Creek/ Hiatt Road County Water District for a 2 year term effective December 6, 2013 through December 5, 2015. (Fourth District)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

35. Reappoint Allan Hemphill to the North Coast Railroad Authority Board representing the County of Sonoma for a term of two years ending November 12, 2015. (County-wide)

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

9:17 A.M. Supervisor Carrillo left the meeting

9:17 A.M. Supervisor Carrillo rejoined the meeting

#### IV. REGULAR CALENDAR

(Items 36 through 42)

##### COUNTY ADMINISTRATOR

36. Accept Sonoma County Superintendent of Schools Report on Williams Lawsuit Settlement findings for Fiscal Year 2013-2014.

9:18 A.M.

Present: Dr. Steven Harrington, Sonoma County Superintendent of Schools and Mickey Porter, Assistant Superintendent - Instructional Services

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

10:06 A.M. The Board recessed

10:15 A.M. The Board reconvened

##### COMMUNITY DEVELOPMENT COMMISSION

(Commissioners: Gorin, Rabbitt, Zane, McGuire, Carrillo)

AND

##### BOARD OF SUPERVISORS

37. Award County Fund for Housing loans to the Roseland Crossroads (\$750,000) and Sonoma Springs (\$750,000) affordable housing projects, contingent upon the borrowers' compliance with all applicable requirements of the County Fund for Housing and Sonoma County Community Development Commission Loan Policies, and authorize the Executive Director of the Community Development Commission to execute Funding Agreements, promissory notes, deeds of trusts, and other related loan documents, and subsequent amendments, subordinations, and other modifications to said Agreements and loan documents, consistent with the Policies. (First and Fifth Districts)

10:21 A.M.

Present: John Haig, Redevelopment Manager and Angela Morgan Senior Community Development Specialist

Speakers:

Gina Cuclis

Thomas Lauderborh

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

REGULAR CALENDAR (Continued)

SONOMA COUNTY WATER AGENCY  
OCCIDENTAL COUNTY SANITATION DISTRICT  
RUSSIAN RIVER COUNTY SANITATION DISTRICT  
SOUTH PARK COUNTY SANITATION DISTRICT  
(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)  
AND  
SONOMA VALLEY COUNTY SANITATION DISTRICT  
(Directors: Gorin, Rabbitt, K. Brown)

38. Conduct a public hearing and Adopt a Resolution introducing, reading the title of, and waiving further reading of a proposed Ordinance updating amendments to the Sanitation Code Ordinances of the Sonoma County Water Agency and all County Sanitation Districts. (First Reading)

10:15 A.M.

Present: Mike Thompson, Sonoma County Water Agency Assistant General Manager and Eric Brown, Sonoma County Water Agency

10:19 A.M. Public Hearing opened

10:19 A.M. Public Hearing closed

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

Sonoma County Valley Sanitation District

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt

ABSENT: Ken Brown

Approved by Resolution No. 13-0466

HEALTH SERVICES

39. Authorize the Director of Health Services to return operation of the Conditional Release Program, which provides mental health treatment services for court-ordered individuals, to the state.

10:43 A.M.

Present: Michael Kennedy, Department of Health Services Behavioral Health Division Director

Board Action: Approved as Recommended

AYES: Susan Gorin, David Rabbitt, Mike McGuire, and Efren Carrillo.

ABSENT: Shirlee Zane.

REGULAR CALENDAR (Continued)

PERMIT AND RESOURCE MANAGEMENT

40. Adopt a Resolution authorizing Permit Resource and Management Department staff to submit applications for Priority Development Area Grant funding from the Sonoma County Transportation Authority, for the preparation of plans for one or more areas within the County. (First and Fourth Districts)

Chairman Rabbitt announced that he would be excusing himself from the meeting at 11:00 A.M.

10:54 A.M.

Present: Jennifer Barrett, Deputy Director Planning and Amy Lyle, Project Planner

11:07 A.M. Chairman Rabbitt passed the gavel to Vice Chair McGuire.

11:07 A.M. Chairman Rabbitt left the meeting.

Board Action: Approved as Recommended

AYES: Susan Gorin, Mike McGuire, and Efren Carrillo.

ABSENT: David Rabbitt, and Shirlee Zane.

Approved by Resolution No. 13-0467

BOARD OF SUPERVISORS

41. Approve fee waiver in the amount of \$1,431.97 for barrier removal project at Forget Me Not Farm. (Fifth District)

11:11 A.M.

Board Action: Approved as Recommended

AYES: Susan Gorin, Mike McGuire, and Efren Carrillo.

ABSENT: David Rabbitt, and Shirlee Zane.

42. Approve Board Sponsorship in the amount of \$1,302 for West County Community Services annual free Thanksgiving dinner at the Guerneville Veterans Memorial Building on November 27 and 28, 2013. (Fifth District)

11:12 A.M.

Board Action: Approved as Recommended

AYES: Susan Gorin, Mike McGuire, and Efren Carrillo.

ABSENT: David Rabbitt, and Shirlee Zane.

Vice Chair McGuire announced that the Board would reconvene from closed session at noon.

11:13 A.M. The Board recessed to closed session.

## V. CLOSED SESSION CALENDAR

(Item 43 through 46)

1:28 P.M. Counsel Goldstein reported on closed session items #43-46.

43. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Existing Litigation - Name of Case: County of Sonoma v. Ritter, et al. Sonoma County Superior Court No. SCV-252236 (Govt. Code Section 54956.9(d)(1)).

Withdrawn

44. The Board of Commissioners of the Community Development Commission will consider the following in closed session - Initiation of litigation - Name of Case: Potential litigation against CBS Outdoor, Inc. regarding billboard on Commission property at 20269 Broadway, Sonoma, California (Govt. Code Section 54956.9(d)(4)).

Board Action: Initiate litigation against CBS Outdoor, Inc.

AYES: Susan Gorin, Mike McGuire, and Efren Carrillo

ABSENT: David Rabbitt, Shirlee Zane

45. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Existing Litigation - Name of Case: Peter Justin Lang v. County of Sonoma. USDC Case No. CV 12-0983 (Govt. Code Section 54956.9(d)(1)).

Board Action: Approve the full compromise and settlement of the Peter Lang v. County of Sonoma litigation in the amount of \$650,000 to the plaintiff. Direction was also given to Risk Management and County Counsel to execute all documents necessary to effectuate the settlement of the §1983 action.

AYES: Susan Gorin, Mike McGuire, Efren Carrillo

ABSENT: David Rabbitt, Shirlee Zane

46. The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, and the Board of Directors of the Agricultural Preservation and Open Space District will consider the following in closed session: Conference with Labor Negotiator, Agency Negotiators: Wendy Macy/Carol Allen/ Janae Novotny, Burke & Associates, Carol Stevens, Burke & Associates, and Janet Cory Sommer, Burke & Associates. Employee organization: All. Unrepresented employees: All, including retired employees (Govt. Code Section 54957.6 (b)).

Direction was given to Labor Negotiators and Counsel.



12:19 P.M. - RECONVENE FROM CLOSED SESSION

Supervisors Present: Susan Gorin, Mike McGuire, Efren Carrillo  
Supervisors Absent: David Rabbitt, Shirlee Zane

Staff Present: Veronica A. Ferguson, County Administrator and Bruce Goldstein, County Counsel

47. Report on Closed Session.

Vice Chair McGuire announced that the Board would reconvene to continued closed session after item #49 and report out on closed session would occur after all matters had been discussed.

48. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA (Comments are restricted to matters within the Board's jurisdiction. The Board will hear public comments at this time for up to thirty minutes. Please be brief and limit your comments to three minutes. Any additional public comments will be heard at the conclusion of the meeting.)

12:19 P.M. Public Comment opened

Rachel Lamm  
Richard Hannan  
Maureen DeVoe  
Mary Morrison  
John Jenkel

12:36 P.M. Public Comment closed

49. Permit and Resource Management Department: Review and possible action on the following:
- a) Acts and Determinations of Planning Commission/Board of Zoning Adjustments
  - b) Acts and Determinations of Project Review and Advisory Committee
  - c) Acts and Determinations of Design Review Committee
  - d) Acts and Determinations of Landmarks Commission
  - e) Administrative Determinations of the Director of Permit and Resource Management

No Acts and Determinations were reviewed or acted on.

12:36 P.M. The Board recessed to continued closed session.

1:28 P.M. The Board reconvened from continued closed session.

1:28 P.M. Counsel Goldstein reported on closed session items #43-46. See section V.

50. ADJOURNMENTS

1:30 P.M. The Board adjourned the meeting in memory of Gloria Duncan, Mary West, and Theodor VanBebber. The meeting was adjourned to December 3, 2013 at 8:30 A.M.

Respectfully submitted,

Michelle Arellano  
Chief Deputy Clerk of the Board



County of Sonoma  
Agenda Item  
Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 27**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

David Rabbitt, 565-2241

**Supervisorial District(s):**

Countywide

**Title:** Reappointment

**Recommended Actions:**

Amend the current term end date for the appointment of Joshua Baker to the Developmental Disabilities Board (Area IV) as a Sonoma County representative, shortening the term end date to December 31, 2013 and reappointing Mr. Baker for a new three year term beginning on January 1, 2014 and ending on December 31, 2016. Appointment was approved on July 31, 2012 to fill a vacated seat, which term expires December 31, 2013, with an incorrect term end date of July 31, 2015. (County-wide)

**Executive Summary:**

**Prior Board Actions:**

**Strategic Plan Alignment** Goal 4: Civic Services and Engagement

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        |                      | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

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|---|---|------------------------------|------------------------------|
| <b>Narrative Explanation of Fiscal Impacts (If Required):</b>   |   |                              |                              |
|   |   |                              |                              |
| <b>Staffing Impacts</b>   |   |                              |                              |
| <b>Position Title</b><br>(Payroll Classification)               | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
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| <b>Narrative Explanation of Staffing Impacts (If Required):</b> |   |                              |                              |
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| <b>Attachments:</b>   |   |                              |                              |
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| <b>Related Items “On File” with the Clerk of the Board:</b>     |   |                              |                              |
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County of Sonoma  
Agenda Item  
Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 28**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

Supervisor Susan Gorin, 565-3752

**Supervisorial District(s):**

First District

**Title:** Appointment

**Recommended Actions:**

Appoint John Guardino to the Flood Control Advisory Committee Laguna-Mark West Zone 1A, effective 12/03/2013 (Coterminous). (First District).

**Executive Summary:**

**Prior Board Actions:**

**Strategic Plan Alignment** Goal 4: Civic Services and Engagement

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        | County General Fund  | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

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**Staffing Impacts**

| <b>Position Title<br/>(Payroll Classification)</b> | <b>Monthly Salary<br/>Range<br/>(A – I Step)</b> | <b>Additions<br/>(Number)</b> | <b>Deletions<br/>(Number)</b> |
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**Narrative Explanation of Staffing Impacts (If Required):**

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**Attachments:**

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**Related Items “On File” with the Clerk of the Board:**

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County of Sonoma  
Agenda Item  
Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 29**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

Supervisor Susan Gorin, 565-2144

**Supervisorial District(s):**

First District

**Title:** Appointment

**Recommended Actions:**

Appoint John Merserve to the Flood Control Advisory Committee Valley of the Moon Zone 3A, effective 12/03/2013 (Coterminous). (First District).

**Executive Summary:**

**Prior Board Actions:**

**Strategic Plan Alignment** Goal 4: Civic Services and Engagement

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        | County General Fund  | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

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**Staffing Impacts**

| <b>Position Title<br/>(Payroll Classification)</b> | <b>Monthly Salary<br/>Range<br/>(A – I Step)</b> | <b>Additions<br/>(Number)</b> | <b>Deletions<br/>(Number)</b> |
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**Narrative Explanation of Staffing Impacts (If Required):**

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**Related Items “On File” with the Clerk of the Board:**

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County of Sonoma  
Agenda Item  
Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 30**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

Supervisor Susan Gorin, 565-3752

**Supervisorial District(s):**

First District

**Title:** Appointment

**Recommended Actions:**

Reappoint Linda Hale to the Sonoma County Commission on the Status of Women effective 11/08/2013 and expiring on 11/08/15. (First District)

**Executive Summary:**

**Prior Board Actions:**

**Strategic Plan Alignment** Goal 4: Civic Services and Engagement

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        | County General Fund  | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

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**Staffing Impacts**

| <b>Position Title<br/>(Payroll Classification)</b> | <b>Monthly Salary<br/>Range<br/>(A – I Step)</b> | <b>Additions<br/>(Number)</b> | <b>Deletions<br/>(Number)</b> |
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**Narrative Explanation of Staffing Impacts (If Required):**

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**Related Items “On File” with the Clerk of the Board:**

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County of Sonoma  
Agenda Item  
Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 31**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** No Vote Required

**Department or Agency Name(s):** Board of Supervisors

**Staff Name and Phone Number:**

**Supervisorial District(s):**

Supervisor Rabbitt, 707/565-2241

Second

**Title:** Reappointment

**Recommended Actions:**

Reappoint Mary Farrar to the Advisory Council to Area Agency on Aging, Sonoma County for a term of two years expiring 12/10/15 representing the Second District.

**Executive Summary:**

**Prior Board Actions:**

**Strategic Plan Alignment** Not Applicable

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        |                      | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

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**Staffing Impacts**

| <b>Position Title<br/>(Payroll Classification)</b> | <b>Monthly Salary<br/>Range<br/>(A – I Step)</b> | <b>Additions<br/>(Number)</b> | <b>Deletions<br/>(Number)</b> |
|--|--|-------------------------------|-------------------------------|
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**Narrative Explanation of Staffing Impacts (If Required):**

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**Attachments:**

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**Related Items “On File” with the Clerk of the Board:**

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## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 32**  
(This Section for use by Clerk of the Board Only.)

**To:** Sonoma County Board of Supervisors

**Board Agenda Date:** December 03, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Sonoma County Fair & Exposition

**Staff Name and Phone Number:**

Tawny Tesconi, 545-4218

**Supervisorial District(s):**

3rd

**Title:** 2014 Sonoma County Fairgrounds Budget

### **Recommended Actions:**

Adopt a Resolution approving the 2014 Budget {\$9,873,735} and the 2014 County of Sonoma Employee Position Allocation List, for Sonoma County Fair and Exposition, Inc. (SCF).

### **Executive Summary:**

Pursuant to Government Code 25905, the Board of Supervisors contracts with the Sonoma County Fair and Exposition, Inc. (SCF) to operate the Sonoma County Fair. The Board of Supervisors retains authority to approve and/or alter the budget of SCF. The SCF Board of Directors request that the Sonoma County Board of Supervisors approve the 2014 annual budget, as adopted by the SCF Board of Directors on November 14, 2013.

### **2014 Budget Overview.**

The SCF budget is comprised of two elements, operational and non-operational. The 2014 budget projects a net operating surplus of \$175,714, and identifies capital improvement expenditures of \$466,500, partially offset by capital contributions of \$220,000. Debt service obligations are projected at \$367,873 which represent a \$167,873 payoff of the Turf Track note and a \$200,000 payment against a \$1,200,000 note obtained from the County of Sonoma and used to retire existing debt, associated with the photovoltaic system, at a \$1.3 Million discount. Operating and non-operating expenditures and revenues result in a net decrease of \$438,659 in Reserves.

### **Summary of Significant Budget Changes and Projections from Prior Year's Adopted Budget**

In the 2014 budget, the following significant changes have been accounted for:

1. Salaries and Benefits Costs Increased (\$231K or 5%)
  - COLA of 1% in SEIU wages beginning November 1, 2014.
  - Temporary employee cost increases (11%) resulting from an increase to the minimum wage, from \$8.00 to \$9.00 per hour, effective July 1, 2014 (pre-County Fair).
  - During 2013, SCF, utilized a FLSA overtime exclusion, granted to seasonal employers. SCF would have paid approximately \$100K in overtime during 2013, had it not taken the exclusion. SCF will forgo its exclusion from paying overtime wage premiums in 2014, but will encourages managers to adequately staff their departments, and schedule their employees, to reduce overtime expense to SCF . The 2014 budget includes approximately \$28K in overtime charges.
  - One additional FTE allocation and other changes to staffing.
2. Satellite Wagering (Jockey Club) Expenses and Uses decreased 13%

- A reduction in the total cost of racing periodicals sold (\$16K) due to the projected decline in attendance at the Jockey Club (see below).
  - A decrease in scheduled special repairs (\$10K).
  - An expected decrease in electricity charges (\$8K) due to the more efficient functioning of the photovoltaic system.
3. County Fair Revenues and Sources increased 9%
- Increase to the scheduled number of shows in the Chris Beck Arena, combined with the addition of preferred floor seating and an increase in Dirt Event ticket pricing (\$110K).
  - Increase the price of General Admission tickets by \$1, from \$10 in 2013 to \$11 in 2014 and increased ticket price of \$2 for Pay-One Price Day from \$20 to \$22 (\$231K).
  - Increase in projected Sponsorship revenue due to the success of the program in 2013.
4. Satellite Wagering (Jockey Club) Revenue and Sources decreased 27%
- The newly-opened Graton Rancheria Casino is expected to draw from the Jockey Club customer base. The decrease in attendances is projected to result in losses to:
    - a. Commissions – due to fewer wagers placed.
    - b. Admission revenue – due to fewer patrons.
    - c. Concessions revenue – due to few patrons.
    - d. Periodical sales – due to fewer patrons.
5. Use of Fund Balance increased 55%
- Greater net Capital Expenditures (\$126K)
  - Partial pay down (\$200K) of \$1.2 Million dollar note from County.
  - Use of Fund Balance partially offset by expected net operating surplus of \$175K for 2014.
6. Capital Contributions & Other Revenue and Sources decreased 23%
- The decrease is due to an expected decrease in external agency contributions to ADA related infrastructure improvements for 2014.

#### 2014 Financial Summary

##### FINANCIAL SUMMARY - SOURCES AND USES - EXCLUDING DEPRECIATION

| Expenses                          | Calendar 2013<br>Adopted | Calendar 2014<br>Recommended | \$<br>Change   | %<br>Change |
|-----------------------------------|--------------------------|------------------------------|----------------|-------------|
| County Fair                       | 2,912,027                | 3,049,995                    | 137,968        | 4.7         |
| Live Racing                       | 1,035,668                | 1,123,127                    | 87,459         | 8.4         |
| Administration/Other              | 1,328,833                | 1,416,953                    | 88,120         | 6.6         |
| Satellite Wagering                | 337,895                  | 293,476                      | (44,419)       | (13.1)      |
| Interim Operations                | 1,215,163                | 1,191,359                    | (23,804)       | (2.0)       |
| Maintenance                       | 1,943,290                | 1,964,452                    | 21,162         | 1.1         |
| Debt Service/Capital Improvements | 567,000                  | 834,373                      | 267,373        | 47.2        |
| <b>Total Expenses and Uses</b>    | <b>9,339,876</b>         | <b>9,873,735</b>             | <b>533,859</b> | <b>5.7</b>  |
| <b>Revenues and Sources</b>       |                          |                              |                |             |
| County Fair                       | 4,932,800                | 5,381,300                    | 448,500        | 9.1         |
| Interim Events                    | 1,566,500                | 1,603,000                    | 36,500         | 2.3         |
| Satellite Wagering                | 466,648                  | 339,450                      | (127,198)      | (27.3)      |
| Horse Racing                      | 1,604,400                | 1,736,825                    | 132,425        | 8.3         |
| Fund Balance                      | 283,828                  | 438,660                      | 154,832        | 54.6        |
| Capital Contributions & Other     | 485,700                  | 374,500                      | (111,200)      | (22.9)      |
| <b>Total Revenues and Sources</b> | <b>9,339,876</b>         | <b>9,873,735</b>             | <b>533,859</b> | <b>5.7</b>  |

### **Other Budget and Financial information**

The California Horse Racing Board (CHRB) has proposed changes to the 2014 racing schedule that could adversely affect SCF revenues. Cal Expo has requested CHRB to allocate race dates for them for the period of July 23-July 27, which would normally be our first week of racing. To accommodate a three week race meet, we would have to shift our Fair later in the summer which would have our Fair ending on August 17, 2014. The SCF Board has determined this would be detrimental to our Fair because thousands of local students will be back in school. As of the time of this writing, the CHRB continues to debate this proposal, which SCF and many members of the horse racing community oppose. The potential cost of the change, if implemented for 2014, is a net loss of about \$150K. Should the change in the 2014 horse racing schedule occur, the projected operating surplus would be reduced to approximately \$25K.

### **2013 Financial Overview**

2013 was one of the most successful years for the Fair, not only financially, but also with customer satisfaction. The annual Sonoma County Fair had a 4% increase in attendance, and we offered 4 pay-one-price days that offered a heavily discounted fair and carnival experience to our community. Most of our paid arena shows sold out and our Junior Livestock Auction hit an all time high of almost \$1.15 million.

The fair facility rental program is rebounding from the last five years of decline from the economic downturn and experienced an increase in consumer shows and private events. The Fair also saw an increase in visitors to the RV Park and, in the last few months, an upturn in satellite wagering activity.

The Sonoma County Fair Foundation had its first full year of operation and continues to work toward providing “brick and mortar” improvements to the facility.

The forecast 2013 Operating Income of \$352K exceeds the 2013 budget by \$362K, and is \$739K higher than actual results from 2012.

### **Capital Improvement Project list**

The Capital Improvement Project list is shown as Attachment #2. The department continues to work on ADA related projects, specifically those that improve restroom accessibility and path of travel. The fairgrounds facility is aging and needs improvements to the main parking lot entrance, asphalt repairs and general upgrades. To enhance customer satisfaction and bolster event rental clients, the department is looking to improve the fairgrounds facility by installing a campus-wide wifi system and replacing the marquee sign with an electronic LED sign located somewhere along the Bennett Valley side of the facility.

### **Position Allocation List**

Please see Attachment #3 for the listing to be approved. The following changes are proposed:

- Add a secretary position to support the Deputy Fair Manager. Workload changes associated with an increase in revenue-generating activities, within the Interim Department, require the addition of this position.
- Add Senior Fairgrounds Maintenance Worker position to align position with duties required of Fairgrounds staff. This would be accompanied by the elimination of a Fairground Maintenance Worker allocation.
- Add Building Mechanic I to align position with duties required of Fairgrounds staff. This would be accompanied by the elimination of a Fairground Maintenance Worker allocation.

### **Strategic Objectives**

1. Work with local experts to determine how to repurpose Z Barns for the highest revenue generation and community benefit.
2. Focus on maximizing revenues from Jockey Club.
3. Continue success of Sponsorship Program and Naming Rights.

4. Commission an Economic Impact study to demonstrate the economic contribution the fair and fairground activities makes to the local economy.
5. Staff-lead effort to develop and implement a Strategic Plan, with a 3 – 5 year horizon, that will focus on financial stability and fund balance growth.
6. Begin a Capital Improvement Plan that includes facility replacement or improvement projects cataloged by priority, project costs and economic impact; and identifies potential funding sources outside of fair operations.

**Prior Board Actions:**

The Board Approves the SCF budget annually

**Strategic Plan Alignment**

The SCF provides economic and environmental stewardship by promoting and showcasing local and statewide agricultural and livestock industries.

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        |                      | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

SCF budget is on a calendar year basis.

**Staffing Impacts**

| Position Title<br>(Payroll Classification) | Monthly Salary Range<br>(A – I Step) | Additions<br>(Number) | Deletions<br>(Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| Secretary                                  | 3,476.79 - 4,226.42                  | 1                     |                       |
| Building Mechanic I                        | 4,308.16 – 5,236.93                  | 1                     |                       |
| Senior Fairgrounds Maintenance Worker      | 3,612.46 – 4,391.65                  | 1                     |                       |
| Fairgrounds Maintenance Worker             | 2,795.89 – 3,617.67                  |                       | 2                     |
|  |                                      |                       |                       |

**Narrative Explanation of Staffing Impacts (If Required):**

See discussion above.



**Attachments:** Attachment #1, Board Resolution, Attachment #2, Capital Improvement Budget, Attachment #3, Sonoma County Fairgrounds Position Allocation List

**Related Items “On File” with the Clerk of the Board:** Sonoma County Fair – Budget as Adopted by Fair Board on 11/14/13



County of Sonoma  
State of California

Date: **December 3, 2013**

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

4/5 Vote Required

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING THE 2014 OPERATING AND CAPITAL IMPROVEMENT BUDGETS AND APPROVING THE COUNTY EMPLOYEE POSITION ALLOCATION LIST FOR THE SONOMA COUNTY FAIR AND EXPOSITION, INC.**

**Whereas,** The 2014 Operating Budget, the 2014 Capital Improvements Budget and the County Employee Position Allocation list for Sonoma County fair and Exposition, Inc. requires adoption/approval by the Board of Supervisors; and,

**Whereas,** The Sonoma County Fair Board of directors recommends that the 2014 Operating and Capital Improvement budgets be adopted and the county Employee Position allocation List be approved; and,

**Whereas,** the Sonoma County Board of Supervisors, after giving appropriate public notice held a public hearing on the 2014 Sonoma County Fair and Exposition, Inc budgets and County Employee Position Allocation list on December 3, 2013

**Now, Therefore, Be It Resolved,** That the Board of Supervisors adopts the 2014 Sonoma County Fair and Exposition, Inc. Operating and Capital Improvement budgets and approves the 2014 County Employee Position Allocation List as submitted.

**Supervisors:**

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**

## 2014 Budget - Proposed Capital Improvements and Equipment Purchases

Sonoma County Fair - Budget as Adopted by Fair Board on 11/14/13

| <b>2014 Capital Repairs &amp; Replacements</b>   |   |                  |                            |                        |
|--|---|------------------|----------------------------|------------------------|
| Status   | Item  | Project Estimate | Outside Support<br>Funding | Fair Funds<br>Budgeted |
| <b>ADA Projects</b>  |   |                  |                            |                        |
| 2013   |   |                  |                            |                        |
| carryover  | ADA Master Plan (Community Block Grant 2012/2013)                             | \$140,000        | \$130,000                  | \$10,000               |
|  | Grace Pavilion - ADA Improvement - Women's RR (Community Block Grant 2013/14) | \$99,000         | \$90,000                   | \$9,000                |
|  | <b>Subtotal</b>   | <b>\$239,000</b> | <b>\$220,000</b>           | <b>\$19,000</b>        |
| <b>Other Projects (Staff Suggested for 2014)</b>   |   |                  |                            |                        |
| <i>In order by preference</i>  |   |                  |                            |                        |
| 2013   |   |                  |                            |                        |
| carryover  | Communications System/IT/WiFi   | \$25,000         | \$0                        | \$25,000               |
|  | Asphalt Repair  | \$50,000         | \$0                        | \$50,000               |
|  | Rain Gutters  | \$8,000          | \$0                        | \$8,000                |
|  | Water Efficiency Project with City of Santa Rosa                              | \$12,000         | \$0                        | \$12,000               |
|  | Board Room kitchen upgrade  | \$10,000         | \$0                        | \$10,000               |
|  | Parking Arm   | \$5,000          | \$0                        | \$5,000                |
|  | <b>Subtotal</b>   | <b>\$110,000</b> | <b>\$0</b>                 | <b>\$110,000</b>       |
| <b>Projects Funded with Equipment Replacement Funds (Jockey Club) FROM DESIGNATED FAIR FUNDS</b> |   |                  |                            |                        |
|  | Brookwood Parking Lot/Jockey Club Entrance Remodel                            | \$50,000         | \$0                        | \$50,000               |
|  | Replace Marquis Sign with Electronic Sign                                     | \$20,000         | \$0                        | \$20,000               |
|  | <b>Subtotal</b>   | <b>\$70,000</b>  | <b>\$0</b>                 | <b>\$70,000</b>        |
| <b>Capital Repairs &amp; Replacements Total</b>  |   | <b>\$419,000</b> | <b>\$220,000</b>           | <b>\$199,000</b>       |

| <b>Equipment/Soft Goods Purchases over \$5,000 - 2014</b> |   |                  |                            |                        |
|---|---|------------------|----------------------------|------------------------|
| Status  | Item  | Project Estimate | Outside Support<br>Funding | Fair Funds<br>Budgeted |
|   | Upgrade for all computer workstations           | \$20,000         | \$0                        | \$20,000               |
|   | ShowWorks Program for Exhibits (split with JLA) | \$2,500          | \$0                        | \$2,500                |
|   | Staging Parts                                   | \$2,500          | \$0                        | \$2,500                |
|   | Banquet Tables, Round Tables, Chairs            | \$10,000         | \$0                        | \$10,000               |
|   | <b>Equipment Purchase Total</b>                 | <b>\$35,000</b>  | <b>\$0</b>                 | <b>\$35,000</b>        |

| <b>JLA Fund Capital Projects<br/>(JLA Restricted Funds used for these projects) - 2014</b> |  |                  |                            |                            |
|--|--|------------------|----------------------------|----------------------------|
| Status   | Item   | Project Estimate | Outside Support<br>Funding | Actual Use of<br>JLA Funds |
| <b>Equipment</b>   |  |                  |                            |                            |
| 2013   |  |                  |                            |                            |
| carryover  | Sheep and Hog Chute                                  | \$5,000          | \$0                        | \$5,000                    |
|  | ShowWorks Program for Exhibits (split with Exhibits) | \$2,500          | \$0                        | \$2,500                    |
|  | Auction Day IT                                       | \$5,000          | \$0                        | \$5,000                    |
|  | <b>JLA Projects Total</b>                            | <b>\$12,500</b>  | <b>\$0</b>                 | <b>\$12,500</b>            |

**Total Proposed in 2014 Budget**

**\$466,500**

**\$220,000**

**\$246,500**

**Sonoma County Fair- Allocation List  
2013 - 2014 Budgeted Positions- County Employees**

| <b>Classification</b>           | <b>Job Code</b> | <b>Adopted<br/>2013, as<br/>Adjusted<br/>(Including<br/>Vacant)</b> | <b>Change 2013<br/>to 2014</b> | <b>2014<br/>Budget</b> | <b>Vacant</b> | <b>2014 Budget<br/>(Excluding<br/>Vacant)</b> |
|---------------------------------|-----------------|---|--------------------------------|------------------------|---------------|---|
| Fair Manager                    | 0750            | 1.00  |                                | 1.00                   |               | 1.00  |
| Deputy Fair Manager             | 0755            | 1.00  |                                | 1.00                   |               | 1.00  |
| Fair Financial Services Officer | 0761            | 1.00  |                                | 1.00                   |               | 1.00  |
| Accounting Technician           | 0404            | 2.00  |                                | 2.00                   | 1.00          | 1.00  |
| Secretary                       | 0023            | 1.00  | 1.00                           | 2.00                   |               | 2.00  |
| Premium Exhibit Coord.          | 0758            | 1.00  |                                | 1.00                   |               | 1.00  |
| FG Premium Exhibit Asst         | 0757            | 1.00  |                                | 1.00                   |               | 1.00  |
| Mktg/Promotion Coord.           | 0759            | 1.00  |                                | 1.00                   |               | 1.00  |
| Interim Event Coord.            | 0756            | 1.00  |                                | 1.00                   |               | 1.00  |
| Senior Office Assistant         | 0003            | 1.00  |                                | 1.00                   |               | 1.00  |
| FG Building Supt.               | 5355            | 1.00  |                                | 1.00                   |               | 1.00  |
| Bldg. Mechanic I                | 5331            |   | 1.00                           | 1.00                   |               | 1.00  |
| Bldg. Mechanic II               | 5335            | 3.00  |                                | 3.00                   |               | 3.00  |
| Auto Mechanic                   | 5222            |   |                                |                        |               |   |
| Heavy Equipment Mechanic II     | 5226            | 1.00  |                                | 1.00                   |               | 1.00  |
| Storekeeper                     | 0311            | 1.00  |                                | 1.00                   |               | 1.00  |
| Sr. FG Maint. Worker            | 0749            | 5.00  | 1.00                           | 6.00                   |               | 6.00  |
| FG Maint. Worker                | 0748            | 9.00  | (2.00)                         | 7.00                   | 5.00          | 2.00  |
| Sr Simulcast Attendant          | 0743            | 1.00  |                                | 1.00                   | 0.25          | 0.75  |
| Simulcast Attendant             | 0742            | 0.75  |                                | 0.75                   | 0.75          |   |
| Janitor                         | 5320            | 1.00  |                                | 1.00                   | 1.00          |   |
| <b>Total</b>                    |                 | <b>33.75</b>  | <b>1.00</b>                    | <b>34.75</b>           | <b>8.00</b>   | <b>26.75</b>                                  |



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 33**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** County Administrator's Office

**Staff Name and Phone Number:**

Peter Rumble, 565-3771

**Supervisorial District(s):**

All

**Title:** State Legislative End of Session Report by State Advocates, Sonoma County 2014 State and Federal Legislative Program, and Resolution Supporting Legislative Action on Replica Weapons

### **Recommended Actions:**

Receive a state legislative end of session report from the County's state legislative advocates, Paul Yoder and Karen Lange, of Peterson Consulting, Inc., and Shaw, Yoder, and Antwih.

Approve the Sonoma County 2014 State and Federal Legislative Program to be used by County staff, legislative advocates, and the legislative delegation in efforts to seek policy support and acquire federal and state resources for County priorities.

Adopt a Resolution supporting legislative action related to replica weapons.

### **Executive Summary:**

#### End of Session Report from the County's State Legislative Advocates

The first year of the 2013-2014 State Legislative Session has concluded. The County's legislative advocates, Paul Yoder and Karen Lange of the firms Peterson Consulting, Inc. and Shaw, Yoder, and Antwih, will present the Board with an update on legislative actions of interest to the County. Included with their presentation is a written report (Attachment A).

#### Sonoma County 2014 State and Federal Legislative Program

The County has robust levels of advocacy at all levels of government led by the Board of Supervisors and supported by the departments, staff, and community partners. These efforts are driven by the core priority to provide the County with the needed resources and policies to enrich the quality of life in Sonoma County through superior public service.

Each year the Board of Supervisors adopts a countywide legislative platform to provide direction to staff and legislative advocates in seeking resources and policy support for County priorities. After departments are queried, the County's state legislative advocates meet with County staff to review

submittals and assess opportunities and strategies. On the federal issues of importance, staff collects from departments their interests and reviews them with federal advocates to provide a priority for Board review.

As the Board serves as the governing body of other agencies (i.e. the Sonoma County Water Agency and the Sonoma County Agricultural Preservation and Open Space District), some of the items in the Program have already been approved by prior Board action. The intention of the Program is to ensure cross-departmental coordination and the strongest support for Board-led advocacy efforts by including all departmental initiatives in one document.

The recommended draft of the Sonoma County 2014 State and Federal Legislative Program (Attachment B) contains state and federal priorities and is divided into five sections: 1) Guiding Principles, 2) Top State Priorities, 3) Top Federal Priorities, 4) General Concerns, and 5) County Supported Items with Other Lead Agencies. Within the Federal issues section there is further prioritization in order to focus advocacy efforts.

**1) Guiding Principles:** These provide the broader policy directions for specific issues and direction for staff and legislative advocates when responding to unanticipated legislation.

**2) Top State Priorities:** The priority issues summarize the proposed areas where the County expects our legislative advocates to pursue introduction and/or passage of legislation. This year they include:

1. Gun and Replica Weapon Regulation
2. Sonoma Developmental Center
3. Pension Reform
4. Jail Alternative Model Recognition
5. Regulation of Medical Marijuana
6. Vote-By-Mail
7. State Gas Tax Allocation
8. 2014 Water Bond Funding Priorities
9. Copeland Creek Trail and Crane Creek Park Expansion
10. Sweetened Beverage Tax to Support Anti-obesity Efforts
11. In-Home Supportive Services (IHSS)
12. Broadband Deployment

**3) Top Federal Priorities:** The proposed federal legislative priorities are listed in the following sections: A) Top Priorities – Primary focus of advocacy; B) Second Tier Priorities – Support if introduced by others; C) Items to monitor for action; and D) County Supported Items with Other Lead Agencies – Other County related agencies are lead. The following are the recommended top tier federal items for County Advocacy:

13. Protect Geothermal Royalties
14. Support Family Justice Center
15. Perinatal Alcohol and Drug Treatment Program
16. Youth Employment Program

17. Dental Clinic for Foster Youth
18. Healdsburg Dam Renovations
19. Taylor Mountain Regional Park and Open Space Preserve Development
20. Bodega Bay Bicycle and Pedestrian Trail
21. US 101/River Road Interchange Improvements
22. Local Flexibility for Immigration Detainers
23. Broadband Deployment
24. Behavioral Health Services in Community Clinics
25. Subsidized Employment Programs
26. CalFresh Outreach
27. Senior Transportation
28. McCullough/Mark West Creek
29. Tolay Lake Regional Park Master Plan

**4) General State and Federal Issues:** These are issues that the County will actively support, including supporting the efforts of others (California State Association of Counties, National Association of Counties, or other counties) to advance the items.

**5) County Supported Items with Other Lead Agencies**

These items are included in other agency platforms within Sonoma County, including the Sonoma County Water Agency, Agriculture Preservation and Open Space District, and Sonoma County Transportation Authority.

The Board is requested to approve the Sonoma County 2014 Legislative Program to be used by County staff, legislative advocates, and the legislative delegation in efforts to seek policy support and acquire federal and state resources for County priorities.

**Prior Board Actions:**

- 01/15/13 Approval of the Sonoma County 2013 State and Federal Legislative Program.
- 12/13/11 The Board received a Legislative End of Session Report from advocates in December 2011.

**Strategic Plan Alignment**      Goal 4: Civic Services and Engagement

While the Legislative Program covers all of the County’s strategic goals, the goal primarily supported by this action is Goal 4, Civic Services and Community Engagement. The Board has been a proactive advocate at the state and federal levels of government. This activity is to ensure that the County funding sources are enhanced and protected and that any legislation or regulations that impact county service delivery are also shaped to support the County’s mission.

**Fiscal Summary - FY 13-14**

| <b>Expenditures</b>       |             | <b>Funding Source(s)</b> |             |
|---------------------------|-------------|--------------------------|-------------|
| Budgeted Amount           | \$ 0        | County General Fund      | \$ 0        |
| Add Appropriations Req'd. | \$ 0        | State/Federal            | \$ 0        |
|                           | \$          | Fees/Other               | \$ 0        |
|                           | \$          | Use of Fund Balance      | \$ 0        |
|                           | \$          | Contingencies            | \$ 0        |
|                           | \$          |                          | \$          |
| <b>Total Expenditure</b>  | <b>\$ 0</b> | <b>Total Sources</b>     | <b>\$ 0</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

The adoption and advocacy for the Legislative Program are budgeted each year in the budget process. Although there is no cost to adopting the Program, advocating has minimal costs that are covered by existing budgets. State and federal funding sources total in excess of \$430 million annually in funding to the County and advocacy protects and enhances those sources.

**Staffing Impacts**

| <b>Position Title</b><br>(Payroll Classification) | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|---|---|------------------------------|------------------------------|
|   |   |                              |                              |
|   |   |                              |                              |

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

Attachment A: Sonoma County – 2013 Legislative Report.

Attachment B: Draft 2014 State and Federal Legislative Program.

Attachment C: Resolution Supporting Legislative Action Related to Replica Weapons.

**Related Items "On File" with the Clerk of the Board:**



PETERSON CONSULTING, INC.  
SHAW / YODER / ANTWIH, INC.  
LEGISLATIVE ADVOCATES  
1415 L STREET, SUITE 1000  
SACRAMENTO, CALIFORNIA 95814

To: Sonoma County Board of Supervisors  
Cc: Veronica Ferguson, Sonoma County Executive Officer  
From: Paul J. Yoder and Karen Lange, Advocates  
Date: November 26, 2013  
RE: 2013 Annual Legislative Report to the Board of Supervisors

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The Legislature has adjourned for the year, after once again approving an on-time budget in addition to addressing major policy areas including health care, the minimum wage, and the regulation of fracking in California.

At the beginning of this new session, there was much anticipation regarding the new super-majorities achieved by the Democrats during the November 2012 election. However, there was a domino-effect of some vacancies and special elections that had to be called due to vacancies over the course of the 2013 session, meaning that there was only a seated 2/3 super-majority for very small periods of time in 2013. That circumstance continues, and there is one final special election for a vacant Assembly seat this fall. When the Legislature returns in January 2014, a fully-seated super-majority will be in place.

The Assembly used its super-majority during budget negotiations in an attempt to put a Constitutional Amendment on the ballot (ACA 8). ACA 8 would reduce the voter threshold to 55% on local measures to fund public infrastructure and public-safety related facilities. This is one of the more rare uses of the 2/3 super-majority and took every Democratic member of the Assembly to approve. However, the Senate President Pro Tem did not allow the bill to be taken up on the Senate side, and Assemblyman Blumenfield later resigned from the Assembly to assume his new seat on the LA City Council.

In 2014, we fully anticipate further super-majority action on ACA 8 as well as several other potential proposed Constitutional amendments for the November statewide ballot.

### **County-Sponsored / Enacted Legislation**

The County co-sponsored SB 510 (Jackson), which authorizes a local government to disapprove the conversion of a mobilehome park to resident ownership if the required survey of park residents does not show that a majority of them support the conversion.

SB 510 was, as previous legislative attempts on this issue were, highly controversial and hard fought. The first vote on the Senate floor was 21-16. The vote on the Assembly floor was 41-24. The vote on the Senate floor when the bill was back for concurrence on the Assembly amendments was 21-14. In addition, getting the Governor's signature had twists and turns as well.

The County also sponsored SB 365 (Wolk), which authorizes the State Public Works Board to issue revenue bonds, notes, or bond anticipation notes in the amounts of \$445,771,000 and \$774,229,000, in 2 phases, to finance the acquisition, design, and construction, and a reasonable construction reserve, of approved local jail facilities, as specified. This bill would decrease the authorization for revenue bonds, notes, or bond anticipation notes in the first phase from \$445,771,000 to \$365,771,000 and increase the authorization of the 2nd phase from \$774,229,000 to \$854,229,000.

The intent behind SB 365 was to redirect AB 900 funds to Sonoma County that had previously been awarded to San Joaquin County. San Joaquin County relinquished their AB 900 award. SB 365 may yet provide close to \$40 million in detention facilities funds to Sonoma County.

### **The 2013-2014 State Budget**

The major features of the enacted State budget:

- The budget spends \$96.3 billion.
- Enacts the agreement reached between the California State Association of Counties (CSAC) and other key stakeholders on the roll-out of the Affordable Care Act (ACA).
- K-12 school districts receive more money, particularly those with high levels of students who come from low-income families, who are not proficient in English or who are foster children.
- Districts also will have more control over how they spend that state aid (this is the Governor's "local control funding formula.").
- It also includes \$1.2 billion in one-time money to help districts implement a set of new academic standards intended to better prepare students for college, and includes \$305 million annually for middle class college scholarships (a high priority of the Speaker).
- There is no money made available from Prop. 39 to cities and counties – it all goes to schools.
- The Governor also prevailed in his efforts to sweep all \$500 million from the cap-and-trade program into the State General Fund reserve.

## **Revenue Forecast – Looking Ahead to the 2014-15 State Budget**

In a massive departure from the last decade, the State's fiscal outlook is exceptionally positive: there is no anticipated deficit for the 2014-15 Budget Year, and the Legislative Analyst has predicted that there could be as much as about \$5 billion in surplus revenues by the end of the next fiscal year.

While this news is welcome, it should not be seen as an indication of the State's embarkation on a new spending spree. Governor Brown has been adamant in his resistance to dramatically increasing spending, restoring funding to cut and shuttered programs, or augmenting any departmental budgets. In fact, much of the additional revenues that come into State coffers in 2014 will be directed to K-14 schools, under the laws of Proposition 98.

What the additional revenue does mean to counties is that they can be hopeful that there will be a respite from cuts, and that program funding should remain relatively stable. The Governor also appears unlikely to propose any additional realignments in 2014; it appears as though the Administration recognizes that Counties need some time to absorb new responsibilities and make adjustments based on the last several years of realigning programs.

### **ACA Implementation**

One of the biggest features of the enacted budget is that it codifies the State-County fiscal relationship regarding the implementation of the ACA. There was additional clean-up legislation approved in August. However, the major pillars of the arrangement were enacted as part of the state budget and are as described below:

The State will take \$300 million from the counties in 2013-14. All counties except County Medical Services Program (CMSP) counties will be offered a choice of two options for returning Health Realignment funding to the State:

1. A 60/40 (state/county) split of all Health Realignment, including county maintenance of effort (MOE) payments required by law; or,
2. Utilizing a formula for documenting costs and revenues supporting indigent care (all revenues, including county General Funds) and then "truing-up" these costs and revenues to document the "savings" to counties. Of these savings, 80% would be retained by the State and 20% would be retained by the county.

Sonoma County participates in the CMSP. CMSP counties will redirect an aggregate amount equivalent to sixty percent of their Health Realignment funds. What this means is that funds utilized to support other vital public health programs will be protected.

However, going forward, all counties should expect robust discussions surrounding the successes and shortcomings of the ACA's roll-out in California. California will be held up to other states in comparison, and counties should also expect that they will be compared with one another to measure enrollment, outreach, utilization, and management. It is unclear what California's policy makers will do with those successes and short-comings but they will likely be discussed in policy committee oversight hearings, in the budget process and in other forums.

### **Drug Medi-Cal:**

- The Kaiser Small Group plan benefits will become the enhanced benefits for the Medicaid population, and will be added to the State Plan for Drug Medi-Cal beginning January 1, 2014.
- These enhanced benefits will supplement, not replace, the current Drug Medi-Cal benefits.
- These benefits, like the current DMC benefits, will be available statewide. There is no county opt-in.
- The enhanced benefits will be an entitlement for all Drug Medi-Cal eligibles, not just for the newly-eligible (the expansion population).
- Drug Medi-Cal will remain a carve-out, with all benefits offered through county AOD programs.
- For the enhanced benefits, the state will pay the non-federal share of cost for all DMC populations.
- For the current benefits, the counties will pay the non-federal share of cost for all DMC populations.

Substance use benefits under the Medicaid expansion will build upon and expand the current Drug Medi-Cal benefit package to include services defined under the state's benchmark essential health benefit plan (the Kaiser Small Group plan). Those benefits include:

- Inpatient detoxification; hospitalization for medical management of withdrawal symptoms, including room and board, physician services, drugs, dependency recover services, education and counseling;
- Outpatient chemical dependency care, including day treatment programs, intensive outpatient treatment programs, individual and group chemical dependency counseling, medical treatment for withdrawal symptoms, methadone maintenance treatment for pregnant members during pregnancy and for 2 months after delivery at a licensed treatment center approved by the Medical Group; and
- Transitional residential recovery services, including chemical dependency treatment in a nonmedical transitional residential recovery setting approved in writing by the Medical Group that provides counseling and support services in a structured environment.

## **Mental Health**

The Budget includes \$66.7 million General Fund to expand non-specialty mental health services and substance use disorder services into Medi-Cal starting January 1, 2014.

This means that the state will fund the non-federal share of the cost for the expansion population after the 100% federal match ratio is reduced (2.5% beginning in 2016-17, rising to ten percent in year 2020-21). \*(Recall that the Administration had earlier proposed that counties fund the non-federal share of the cost).

In addition, Senator Steinberg successfully pushed for increased funding and programming for mental health programs through SB 82 which:

- Authorizes the California Health Facilities Financing Authority (CHFFA) to administer a competitive selection process for capital capacity and program expansion to increase capacity for mobile crisis support, crisis intervention, crisis stabilization services, crisis residential treatment, and specified personnel resources. These funds shall be made available to selected counties, or counties acting jointly. CHFFA may also give consideration to private nonprofit corporations and public agencies in an area or region of the state if a county, or counties acting jointly, affirmatively supports this designation and collaboration in lieu of county government directly receiving the funds. This bill requires CHFFA to develop a process to award these grants after consulting with representatives and interested stakeholders from the mental health community. CHFFA shall ensure that grants result in a cost-effective expansion of the number of community-based crisis resources in regions and communities selected for funding. The 2013-14 Budget provides, one-time, \$142 million General Fund for these purposes.
- Implements a process by which the MHSOAC allocates funding based upon requests for application of need and description of deployment of triage personnel to assist individuals in gaining access to needed services, including medical, mental health, substance use disorder assistance and other community services. Requires these funds to be made available to selected counties, counties acting jointly, or city mental health departments, as determined by the commission through a selection process. The 2013-14 budget provides \$54 million (\$32 million MHSA State Administrative Funds and \$22 federal funds) for this purpose. This funding is ongoing.
- Restores the MHSA state administrative fund percentage from the current 3.5% to the voter-approved Proposition 63 level of 5% to fund key regional concerns which have statewide significance.

## **Realignment and the Receivership**

Earlier this year, a federal judge ordered that 9000 more prisoners be released from the state's prisons *immediately*. The Governor has fought this order, and has filed an appeal with the US Supreme Court. In the meantime, he reached agreement with the Legislature and other key stakeholders to keep those inmates in custody by taking the following actions:

- Authorizes up to \$315 million in immediate in-state and out-of-state capacity.
- Lays the foundation for longer-term changes to the criminal justice system, in collaboration with the Legislature and stakeholders.
- Strengthens existing local efforts (SB 678) to manage offenders by increasing the amount of funding that county probation departments receive if they can serve felony probationers locally and keep them from coming to prison.
- Requires that if the court modifies the order in a way that reduces the cost of compliance, the first \$75 million in savings will go to reducing recidivism.

It is important to note that additional funding to counties under this agreement is contingent on whether or not the county sends more or less prisoners to state prison.

It is anticipated that the agreement reached as described above will require additional work and legislation in future years, as the population in California grows but the number of state prison beds remains unchanged.

## **Water**

In 2014, a revised water bond may be taken up for placement on the 2014 ballot. The water bond originally intended to be on the 2010 ballot – totaling over \$11 billion – has been moved twice. It is currently scheduled to appear on the 2014 ballot at \$11 billion, and it is nearly universally-agreed upon that an \$11 billion bond could not receive voter approval. A revised bond in the neighborhood of \$6.5 billion is more likely.

Integrated regional water planning will undoubtedly be a part of this bond, along with funds for the development of more recycled water in California. It will be important for the County to communicate to your legislators regarding priority areas that should receive funding.

## **The Politics of 2014**

As mentioned at the beginning of this report, the fully-realized super-majority should be operational in both houses when the Legislature convenes in 2014. That will likely be used to put some places some initiatives on the ballot, including one to reduce the voter threshold on local taxes to a 55% or simple-majority vote.

Next year will also be a year of major changes in leadership in both houses - the Senate President Pro Tem and the Assembly Speaker are both termed out of office, and there will be considerable competition to replace both leaders.

Lastly, 2014 will also see Governor Brown run for re-election and many controversial initiatives on the November ballot. These factors may color some of the policy decisions made in 2014.

**Sonoma County Legislation as of 11/26/2013**  
**Provided by: Peterson Consulting, Inc. and Shaw / Yoder / Antwih, Inc.**

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**Sponsor**

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**[SB 365 \(Wolk D\)](#) Jail construction: funding.**

**Introduced:** 2/20/2013

**Last Amended:** 9/11/2013

**Status:** 10/7/2013-Chaptered by Secretary of State - Chapter 627, Statutes of 2013.

**Location:** 10/7/2013-S. CHAPTERED

**Summary:**

Current law authorizes the State Public Works Board to issue revenue bonds, notes, or bond anticipation notes in the amounts of \$445,771,000 and \$774,229,000, in 2 phases, to finance the acquisition, design, and construction, and a reasonable construction reserve, of approved local jail facilities, as specified. This bill would decrease the authorization for revenue bonds, notes, or bond anticipation notes in the first phase from \$445,771,000 to \$365,771,000 and increase the authorization of the 2nd phase from \$774,229,000 to \$854,229,000. This bill contains other related provisions and other existing laws.

**Position:** Sponsor

**[SB 510 \(Jackson D\)](#) Land use: subdivisions: rental mobilehome park conversion.**

**Introduced:** 2/21/2013

**Last Amended:** 8/19/2013

**Status:** 9/26/2013-Chaptered by Secretary of State - Chapter 373, Statutes of 2013.

**Location:** 9/26/2013-S. CHAPTERED

**Summary:**

Current law requires that the subdivider obtain a survey of support of residents of the mobilehome park for the proposed conversion, that the results of the survey be submitted to the local agency for consideration, as specified, and that the subdivider be subject to a hearing by the legislative body or advisory agency that is authorized to approve, conditionally approve, or disapprove the map. This bill would specify that the results of the survey are to be considered by the local agency in making its decision to approve, conditionally approve, or disapprove the map. The bill would authorize the local a agency to disapprove the map if it finds that the results of the survey have not demonstrated the support of at least a majority of the park's homeowners.

**Position:** Sponsor



**[SB 647 \(Wolk D\)](#) County retirement.**

**Introduced:** 2/22/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 3/11/2013)

**Location:** 5/10/2013-S. 2 YEAR

**Summary:**

Current law provides that if a member of a county retirement system becomes a member of another county retirement system, the membership in the first retirement system ceases. This bill would make a nonsubstantive change to these provisions.

**Position:** Sponsor

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**Support**

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**[AB 4 \(Ammiano D\)](#) State government: federal immigration policy enforcement.**

**Introduced:** 12/3/2012

**Last Amended:** 9/4/2013

**Status:** 10/5/2013-Chaptered by Secretary of State - Chapter 570, Statutes of 2013.

**Location:** 10/5/2013-A. CHAPTERED

**Summary:**

Would prohibit a law enforcement official, as defined, from detaining an individual on the basis of a United States Immigration and Customs Enforcement hold after that individual becomes eligible for release from custody, unless, at the time that the individual becomes eligible for release from custody, certain conditions are met, including, among other things, that the individual has been convicted of specified crimes.

**Position:** Support

**[AB 39 \(Skinner D\)](#) Energy: conservation: financial assistance.**

**Introduced:** 12/3/2012

**Last Amended:** 6/24/2013

**Status:** 9/12/2013-Ordered to inactive file at the request of Senator Padilla.

**Location:** 9/12/2013-S. INACTIVE FILE

**Summary:**

Would extend the operation of the Energy Conservation Assistance Act of 1979 to January 1, 2020, and would thereby make an appropriation by extending the time during which the funds in a continuously appropriated account are made available.

**Position:** Support

**[AB 177 \(V. Manuel Pérez D\)](#) Renewable resources.**

**Introduced:** 1/24/2013

**Last Amended:** 6/5/2013

**Status:** 7/12/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was U. & C. on 6/6/2013 Last Action on 6/6/2013)

**Location:** 7/12/2013-A. 2 YEAR

**Summary:**

Would state the policy of the state to require all retail sellers of electricity, including investor-owned electrical corporations and local publicly owned electric utilities, to procure all available cost-effective energy efficiency, demand response, and renewable resources, so as to achieve renewable, reliability, and greenhouse gases emission reduction simultaneously, in the most cost-effective and affordable manner practicable. The bill would require that procurement not be limited by any targets established for these resources by statute or regulatory decision. This bill contains other related provisions and other existing laws.

**Position:** Support

**[AB 195 \(Hall D\)](#) Counties: construction projects: design-build.**

**Introduced:** 1/28/2013

**Last Amended:** 5/20/2013

**Status:** 8/19/2013-Chaptered by Secretary of State - Chapter 121, Statutes of 2013.

**Location:** 8/19/2013-A. CHAPTERED

**Summary:**

Current law, until July 1, 2014, authorizes counties to use alternative procedures, known as design-build, for bidding on specified types of construction projects in the county in excess of \$2,500,000, in accordance with specified procedures. This bill would extend these provisions until July 1, 2016. Because the additionally authorized projects would require payment of fees into the State Public Works Enforcement Fund, a continuously appropriated fund, it would make an appropriation. This bill contains other related provisions and other existing laws.

**Position:** Support

**[AB 416 \(Gordon D\)](#) State Air Resources Board: Local Emission Reduction Program.**

**Introduced:** 2/15/2013

**Last Amended:** 4/4/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Would create the Local Emission Reduction Program and would require money to be available from the General Fund, upon appropriation by the Legislature, for purposes of providing grants and other financial assistance to develop and

implement greenhouse gas emissions reduction projects in the state. The bill would require the State Air Resources Board, in coordination with the Strategic Growth Council, to administer the program, as specified. The bill would require the implementation of the program to be contingent on the appropriation of moneys by the Legislature, as specified.

**Position:** Support

**[AB 594](#) (Committee on Water, Parks and Wildlife) State parks: operating agreements: park closures.**

**Introduced:** 2/20/2013

**Last Amended:** 8/14/2013

**Status:** 9/28/2013-Chaptered by Secretary of State - Chapter 407, Statutes of 2013.

**Location:** 9/28/2013-A. CHAPTERED

**Summary:**

Would state that it is the intent of the Legislature that the Department of Parks and Recreation consistently operate the state park system, as specified. This bill would state that it is the intent of the Legislature, if budget reductions necessitate changes to the continued operation of state park units, that the department achieve any required budget reductions by implementing efficiencies and increasing revenue collection or reducing services and that full park closures only be considered as a last option, as provided. This bill contains other related provisions and other existing laws.

**Position:** Support

**[AB 900](#) (Alejo D) Medi-Cal: reimbursement: distinct part nursing facilities.**

**Introduced:** 2/22/2013

**Last Amended:** 6/25/2013

**Status:** 8/30/2013-In committee: Held under submission.

**Location:** 8/13/2013-S. APPR. SUSPENSE FILE

**Summary:**

Current law requires, except as otherwise provided, Medi-Cal provider payments to be reduced by 1% or 5%, and provider payments for specified non-Medi-Cal programs to be reduced by 1%, for dates of service on and after March 1, 2009, and until June 1, 2011. Current law requires, except as otherwise provided, Medi-Cal provider payments and payments for specified non-Medi-Cal programs to be reduced by 10% for dates of service on and after June 1, 2011. This bill would instead require that this payment reduction not apply to skilled nursing facilities that are a distinct part of a general acute care hospital, for dates of service on or after July 1, 2013, subject to necessary federal approvals. This bill contains other related provisions.

**Position:** Support

**[AB 1014 \(Williams D\)](#) Energy: electrical corporations: green tariff shared renewable program.**

**Introduced:** 2/22/2013

**Last Amended:** 5/8/2013

**Status:** 7/12/2013-Failed Deadline pursuant to Rule 61(a)(10)(SEN). (Last location was RLS. on 6/13/2013)

**Location:** 7/12/2013-S. 2 YEAR

**Summary:**

Would require specified electrical corporations to file with the Public Utilities Commission, by March 1, 2014, an advice letter requesting the approval of a green tariff shared renewable program. The bill would require the commission, by July 1, 2014, after notice and opportunity for public comment, to approve the advice letter if the commission finds that the proposed program is reasonable and consistent with specified findings. This bill would require the commission to require that a green tariff shared renewable program be administered in accordance with specified provisions. This bill would repeal these provisions on January 1, 2019. This bill contains other related provisions and other existing laws.

**Position:** Support

**[AB 1200 \(Levine D\)](#) Recycled water: agricultural irrigation impoundments: pilot project.**

**Introduced:** 2/22/2013

**Last Amended:** 8/27/2013

**Status:** 10/7/2013-Vetoed by the Governor

**Location:** 10/7/2013-A. VETOED

**Summary:**

Would, before October 1, 2014, and until January 1, 2018, permit the San Francisco Bay Regional Water Quality Board to authorize a voluntary pilot project for the purposes of investigating potential water quality impacts associated with maximizing the supplementation of agricultural irrigation impoundments with disinfected tertiary treated recycled water, if the regional board finds that the proposed pilot project satisfies specified criteria. This bill would require the pilot project to include a stakeholder advisory group, composed as prescribed, to review and provide input on pilot project design, implementation, and data analysis.

**Position:** Support

**[AB 1229 \(Atkins D\)](#) Land use: zoning regulations.**

**Introduced:** 2/22/2013

**Status:** 10/13/2013-Vetoed by the Governor

**Location:** 10/13/2013-A. VETOED

**Summary:**

The Planning and Zoning Law authorizes the legislative body of any city or county to adopt ordinances regulating zoning within its jurisdiction, as specified. This bill

would additionally authorize the legislative body of any city or county to adopt ordinances to establish, as a condition of development, inclusionary housing requirements, as specified, and would declare the intent of the Legislature in adding this provision. The bill would also make a technical, nonsubstantive change.

**Position:** Support

**[SB 37 \(De León D\)](#) Energy efficiency and renewable energy upgrades: on-bill repayment program.**

**Introduced:** 12/5/2012

**Last Amended:** 4/9/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was SENATE on 5/1/2013)

**Location:** 5/3/2013-S. 2 YEAR

**Summary:**

Would enact the California Clean Energy Consumer Access Act of 2013 and would authorize the Public Utilities Commission to require an electrical or gas corporation with 250,000 or more service connections to develop and implement an on-bill repayment program providing financial assistance for energy efficiency, renewable energy, distributed generation, or demand response improvements by allowing for the repayment of the financial assistance to be included in the utility customer's utility bill (on-bill repayment). Because a violation of any part of any order, decision, rule, direction, demand, or requirement of the Public Utilities Commission is a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position:** Support

**[SB 43 \(Wolk D\)](#) Electricity: Green Tariff Shared Renewables Program.**

**Introduced:** 12/11/2012

**Last Amended:** 9/6/2013

**Status:** 9/28/2013-Chaptered by Secretary of State - Chapter 413, Statutes of 2013.

**Location:** 9/28/2013-S. CHAPTERED

**Summary:**

Would enact the Green Tariff Shared Renewables Program. The program would require a participating utility, defined as being an electrical corporation with 100,000 or more customers in California, to file with the Public Utilities Commission an application requesting approval of a green tariff shared renewables program to implement a program enabling ratepayers to participate directly in offsite electrical generation facilities that use eligible renewable energy resources, consistent with certain legislative findings and statements of intent. This bill contains other related provisions and other existing laws.

**Position:** Support

**[SB 64 \(Corbett D\)](#) California Global Warming Solutions Act of 2006: market-based compliance mechanisms: Clean Technology Investment Account.**

**Introduced:** 1/10/2013

**Last Amended:** 6/14/2013

**Status:** 8/16/2013-Failed Deadline pursuant to Rule 61(a)(10)(ASM). (Last location was NAT. RES. on 6/24/2013)

**Location:** 8/16/2013-A. 2 YEAR

**Summary:**

Would create the Clean Technology Investment Account within the Greenhouse Gas Reduction Fund. The bill would require the Legislature to annually appropriate moneys from the Greenhouse Gas Reduction Fund or other funds to the Clean Technology Investment Account in the Budget Act. The bill would make the moneys in the Clean Technology Investment Account available to the state board for the purposes of providing grants to nonprofit public benefit corporations and regional technology alliances to design and implement programs that accelerate the development, demonstration, and deployment by companies and entrepreneurs of transformative technologies that would reduce or have the potential to reduce greenhouse gas emissions and foster job creation in the state, as specified.

**Position:** Support

**[SB 191 \(Padilla D\)](#) Emergency medical services.**

**Introduced:** 2/7/2013

**Last Amended:** 8/22/2013

**Status:** 10/5/2013-Chaptered by Secretary of State - Chapter 600, Statutes of 2013.

**Location:** 10/5/2013-S. CHAPTERED

**Summary:**

Current law, until January 1, 2014, authorizes county boards of supervisors to elect to levy an additional penalty, for deposit into the EMS Fund, in the amount of \$2 for every \$10 upon fines, penalties, and forfeitures collected for criminal offenses. Current law, until January 1, 2014, requires 15% of the funds collected pursuant to that provision be used to provide funding for pediatric trauma centers. This bill would extend the operative date of these provisions until January 1, 2017. The bill would also make a technical, nonsubstantive change to these provisions.

**Position:** Support

**[SB 341 \(DeSaulnier D\)](#) Redevelopment.**

**Introduced:** 2/20/2013

**Last Amended:** 5/30/2013

**Status:** 10/13/2013-Chaptered by Secretary of State - Chapter 796, Statutes of 2013.

**Location:** 10/13/2013-S. CHAPTERED

**Summary:**

Current law requires the entity assuming the housing functions of the former

redevelopment agency to perform various functions. This bill would change provisions relating to the functions to be performed by the entity assuming the housing functions of the former redevelopment agency to instead refer to the housing successor. This bill contains other related provisions and other existing laws.

**Position:** Support

**[SB 359 \(Corbett D\)](#) Vehicles: retirement and replacement.**

**Introduced:** 2/20/2013

**Last Amended:** 9/12/2013

**Status:** 9/28/2013-Chaptered by Secretary of State - Chapter 415, Statutes of 2013.

**Location:** 9/28/2013-S. CHAPTERED

**Summary:**

Would require the Controller to transfer, as a loan, \$30,000,000 from the Vehicle Inspection and Repair Fund to the Air Quality Improvement Fund. The bill would appropriate to the State Air Resources Board these moneys in the Air Quality Improvement Fund to be expended only for the Clean Vehicle Rebate Project and the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, thereby making an appropriation. This bill contains other related provisions and other existing laws.

**Position:** Support

**[SB 660 \(Hancock D\)](#) Career technical education: funding.**

**Introduced:** 2/22/2013

**Last Amended:** 8/7/2013

**Status:** 8/16/2013-Failed Deadline pursuant to Rule 61(a)(10)(ASM). (Last location was ED. on 8/7/2013)

**Location:** 8/16/2013-A. 2 YEAR

**Summary:**

Would require county superintendents of schools and school districts, subject to existing expenditure requirements for the 2013-14 and 2014-15 fiscal years for the purpose of regional occupational centers or programs, to comply with specified requirements, including, among others, certifying to the State Department of Education that each course within a sequence is aligned with the California Career Technical Education Standards and, where appropriate, the Common Core State Standards. This bill contains other related provisions and other existing laws.

**Position:** Support

**[SB 740 \(Padilla D\)](#) Telecommunications: universal service programs: California Advanced Services Fund.**

**Introduced:** 2/22/2013

**Last Amended:** 9/6/2013

**Status:** 10/3/2013-Chaptered by Secretary of State - Chapter 522, Statutes of 2013.



**Location:** 10/3/2013-S. CHAPTERED

**Summary:**

Would increase the amount the Public Utilities Commission is authorized to collect to a sum not to exceed \$215,000,000, after January 1, 2011, and instead would require that \$190,000,000 be deposited into the Broadband Infrastructure Grant Account. The bill would authorize the commission to collect that amount until 2020. This bill contains other related provisions and other existing laws.

**Position:** Support

**[SB 750 \(Wolk D\)](#) Building standards: water meters: multiunit structures.**

**Introduced:** 2/22/2013

**Last Amended:** 8/8/2013

**Status:** 8/16/2013-Failed Deadline pursuant to Rule 61(a)(10)(ASM). (Last location was W.,P. & W. on 8/13/2013)

**Location:** 8/16/2013-A. 2 YEAR

**Summary:**

Would require a water purveyor that provides water service to a newly constructed multiunit residential structure or newly constructed mixed-use residential and commercial structure that submits an application for a water connection after January 1, 2015 , to require measurement of the quantity of water supplied to each individual dwelling unit and to permit the measurement to be by individual water meters or submeters, as defined. The bill would require the owner of the structure to ensure that a water submeter installed for these purposes complies with laws and regulations governing approval of submeter types or the installation, maintenance, reading, billing, and testing of submeters, including, but not limited to, the California Plumbing Code.

**Position:** Support

**[SB 768 \(De León D\)](#) Cigarette and tobacco products taxes: California Tobacco Tax Act of 2014.**

**Introduced:** 2/22/2013

**Last Amended:** 5/14/2013

**Status:** 5/23/2013-Held in committee and under submission.

**Location:** 5/23/2013-S. APPR. SUSPENSE FILE

**Summary:**

Would, on or after the first day of the first calendar quarter commencing more than 90 days on or after the effective date of the bill, impose an additional tax on the distribution of cigarettes at the rate of \$0.10 for each cigarette distributed; would require a dealer and a wholesaler to file a return with the State Board of Equalization showing the number of cigarettes in its possession or under its control on that date, and impose a related floor stock tax; and would require a licensed cigarette distributor to file a return with the board and pay a cigarette indicia adjustment tax for cigarette tax stamps in its possession or under its control on that date. This bill contains other related provisions and other existing laws.



**Position:** Support

**[SCA 7 \(Wolk D\)](#) Local government financing: public libraries: voter approval.**

**Introduced:** 12/3/2012

**Last Amended:** 2/26/2013

**Status:** 6/27/2013-Re-referred to Com. on APPR.

**Location:** 6/27/2013-S. APPR.

**Summary:**

Would create an additional exception to the 1% limit for a rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund public library facilities, that is approved by 55% of the voters of the city, county, city and county, or special district, as applicable, if the proposition meets specified requirements. This bill contains other related provisions and other existing laws.

**Position:** Support

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### Support and Seek Amendments

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**[SB 511 \(Lieu D\)](#) Natural resources: climate change: grants.**

**Introduced:** 2/21/2013

**Last Amended:** 4/30/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/23/2013)

**Location:** 5/24/2013-S. 2 YEAR

**Summary:**

Current law establishes the Natural Resources Agency consisting of various entities, departments, and boards. This bill would require the Secretary of the Natural Resources Agency, in coordination with the State Air Resources Board, to develop guidelines for the awarding of grants, upon appropriation by the Legislature, for projects that enhance greenhouse gas emissions avoidance and sequestration associated with natural resources, as specified.

**Position:** Support and Seek Amendments

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### Oppose

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**[AB 52 \(Gatto D\)](#) Native Americans: California Environmental Quality Act.**

**Introduced:** 12/21/2012

**Last Amended:** 9/5/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was E.Q. on 9/5/2013)

**Location:** 9/13/2013-S. 2 YEAR

**Summary:**

Would specify that a project having a potential to cause a substantial adverse change in the significance of a tribal resource, as defined, to be a project that may have a significant effect on the environment. The bill would require the implementation, if feasible, of specified mitigation measures if the lead agency determines that a project will have a substantial adverse change on a tribal cultural resource. For a tribal cultural resource that is a sacred place, the bill would prohibit severe or irreparable damage to that resource, or interference with the free expression or exercise of a Native American religion unless a clear and convincing showing that the public interest and necessity so require. This bill contains other related provisions and other existing laws.

**Position:** Oppose

**[AB 194 \(Campos D\)](#) Open meetings: protections for public criticism: penalties for violations.**

**Introduced:** 1/28/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 2/7/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would make it a misdemeanor for a member of a legislative body, while acting as the chairperson of a legislative body of a local agency, to prohibit public criticism protected under the Ralph M. Brown Act. This bill would authorize a district attorney or any interested person to commence an action for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of the protection for public criticism is null and void, as specified. This bill contains other related provisions and other existing laws.

**Position:** Oppose

**[AB 537 \(Bonta D\)](#) Meyers-Milias-Brown Act: impasse procedures.**

**Introduced:** 2/20/2013

**Last Amended:** 9/6/2013

**Status:** 10/13/2013-Chaptered by Secretary of State - Chapter 785, Statutes of 2013.

**Location:** 10/13/2013-A. CHAPTERED

**Summary:**

The Meyers-Milias-Brown Act requires the governing body of a local public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee

organization. This bill would require that, if a tentative agreement is reached by the parties, the governing body vote to accept or reject that agreement within 30 days of the date it is first considered, as specified. The bill would not bar the filing of a charge for failure to meet and confer in good faith if the governing body rejects the tentative agreement. This bill contains other related provisions and other existing laws.

**Position:** Oppose

**[AB 616 \(Bocanegra D\)](#) Local public employee organizations: dispute: factfinding panel.**

**Introduced:** 2/20/2013

**Last Amended:** 6/17/2013

**Status:** 8/30/2013-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/13/2013)

**Location:** 8/30/2013-S. 2 YEAR

**Summary:**

Current law authorizes an employee organization, if a dispute was not submitted to a mediation, to request that the parties' differences be submitted to a factfinding panel not later than 30 days following the date that either party provided the other with a written notice of a declaration of impasse. This bill would require that request to be in writing. The bill would provide that if either party disputes that a genuine impasse, as defined, has been reached, the issue of whether an impasse exists may be submitted to the Public Employment Relations Board for resolution before the dispute is submitted to a factfinding panel, as specified. The bill would also authorize each party to select a person to serve as its member of the factfinding panel.

**Position:** Oppose

**[SB 791 \(Wyland R\)](#) Motor vehicle fuel tax: rate adjustment.**

**Introduced:** 2/22/2013

**Last Amended:** 4/4/2013

**Status:** 4/29/2013-Set, first hearing. Hearing canceled at the request of author.

**Location:** 4/11/2013-S. T. & H.

**Summary:**

Would eliminate the requirement that the State Board of Equalization adjust the rate of the excise tax on motor vehicle fuel, and instead would require the Department of Finance to annually calculate that rate and report that calculated rate to the Joint Legislative Budget Committee. The rate for the state's next fiscal year would remain the same as the rate of the current fiscal year or would decrease, as provided. This bill would further state that the rate may increase upon a further act by the Legislature. This bill contains other related provisions.

**Position:** Oppose

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## Other Monitored Legislation

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### **[AB 8 \(Perea D\)](#) Alternative fuel and vehicle technologies: funding programs.**

**Introduced:** 12/3/2012

**Last Amended:** 9/6/2013

**Status:** 9/28/2013-Chaptered by Secretary of State - Chapter 401, Statutes of 2013.

**Location:** 9/28/2013-A. CHAPTERED

**Summary:**

Would provide that the State Air Resources Board has no authority to enforce any element of its existing clean fuels outlet regulation or other regulation that requires or has the effect of requiring any supplier, as defined, to construct, operate, or provide funding for the construction or operation of any publicly available hydrogen-fueling station. The bill would require the state board to aggregate and make available to the public, no later than June 30, 2014, and every year thereafter, the number of hydrogen-fueled vehicles that motor vehicle manufacturers project to be sold or leased over the next 3 years, as reported to the state board, and the number of hydrogen-fueled vehicles registered with the Department of Motor Vehicles through April 30. The bill would require the commission to allocate \$20 million annually, as specified, until there are at least 100 publicly available hydrogen-fueling stations in California. This bill contains other related provisions and other existing laws.

### **[AB 10 \(Alejo D\)](#) Minimum wage: annual adjustment.**

**Introduced:** 12/3/2012

**Last Amended:** 9/11/2013

**Status:** 9/25/2013-Chaptered by Secretary of State - Chapter 351, Statutes of 2013.

**Location:** 9/25/2013-A. CHAPTERED

**Summary:**

Current law requires that, on and after January 1, 2008, the minimum wage for all industries be not less than \$8.00 per hour. This bill would increase the minimum wage, on and after July 1, 2014, to not less than \$9 per hour. The bill would further increase the minimum wage, on and after January 1, 2016, to not less than \$10 per hour.

### **[AB 19 \(Ting D\)](#) Internet Voting Pilot Program.**

**Introduced:** 12/3/2012

**Last Amended:** 4/30/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Would establish an Internet Voting Pilot Program under which a county may offer Internet voting as an additional method of voting in a local election held within the county, provided that specified conditions apply. The pilot program would be required to test the viability, accuracy, security, integrity, efficacy, accessibility, and public acceptance of an Internet voting system. Before a county may conduct a pilot program, this bill would require the county to test the program, as specified. This bill contains other related provisions and other existing laws.

**AB 29 (Williams D) Proposition 39: implementation.**

**Introduced:** 12/3/2012

**Last Amended:** 4/23/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was U. & C. on 4/24/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would require the California Energy Commission to administer, in coordination with the Public Utilities Commission, the Office of the President of the University of California, the Office of the Chancellor of the California State University, and the Office of the Chancellor of the California Community Colleges, grants, loans, or other financial assistance to the University of California, the California State University, and the California Community Colleges for projects that create jobs in California by reducing energy demand and consumption at eligible institutions. This bill contains other related provisions.

**AB 55 (Hernández, Roger D) State holidays: Native American Day.**

**Introduced:** 1/7/2013

**Last Amended:** 2/19/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Current law recognizes various holidays. Current law requires the Governor to proclaim annually the 4th Friday in September to be Native American Day. This bill would recognize the 4th Friday in September as a state holiday to be known as Native American Day.

**AB 102 (Committee on Budget) Budget Act of 2013: public resources.**

**Introduced:** 1/10/2013

**Last Amended:** 8/27/2013

**Status:** 9/11/2013-Ordered to inactive file at the request of Senator Leno.

**Location:** 9/11/2013-S. INACTIVE FILE

**Summary:**

Current law requires that any moneys appropriated from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund for programs to protect, restore, enhance, or maintain waterfowl habitat be transferred to the Department of Fish and Wildlife for expenditure for those same purposes. This bill would repeal these provisions. This bill contains other related provisions and other current laws.

**[AB 105](#) (Committee on Budget) Active Transportation Program.**

**Introduced:** 1/10/2013

**Last Amended:** 8/30/2013

**Status:** 9/10/2013-Ordered to inactive file at the request of Senator Leno.

**Location:** 9/10/2013-S. INACTIVE FILE

**Summary:**

Would create the Active Transportation Program in the Department of Transportation, to be funded in the annual Budget Act from specified federal and state transportation funds, including 100% of the available federal Transportation Alternatives Program funds and federal Recreational Trails Program funds, except as specified, \$21,000,000 of federal Highway Safety Improvement Program funds or other federal funds, a specified amount of fuel tax revenues from the Highway Users Tax Account and the State Highway Account, and from other available funds. The bill would provide for funds to be allocated to eligible projects by the California Transportation Commission. This bill contains other related provisions and other existing laws.

**[AB 114](#) (Salas D) Proposition 39: implementation: workforce development.**

**Introduced:** 1/14/2013

**Last Amended:** 8/27/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/12/2013)

**Location:** 9/13/2013-S. 2 YEAR

**Summary:**

Would require the California Workforce Investment Board to require a grant recipient to report to the board specified information. The bill would require the board, after the first year of implementation of the program, to review and assess the program in achieving the job training and workforce development goals, identify problems and barriers, and provide solutions to improve program performance. This bill contains other existing laws.

**[AB 139](#) (Holden D) Domestic violence: fees.**

**Introduced:** 1/17/2013

**Last Amended:** 6/11/2013

**Status:** 8/26/2013-Chaptered by Secretary of State - Chapter 144, Statutes of 2013.

**Location:** 8/26/2013-A. CHAPTERED

**Summary:**

Current law imposes a fee of \$500 on every person who is granted probation for a crime of domestic violence. This bill would clarify that the \$500 payment is a fee, not a fine, and that the fee is not subject to reduction for time served. The bill would also authorize 8% of the moneys deposited in the county domestic violence programs special fund to be used for administrative costs and would authorize the collection of the fee by the collecting agency or the agency's designee after the termination of the period of probation, whether probation is terminated by revocation or by completion of the term. The bill would also make related findings and declarations.

**AB 150 (Olsen R) State parks: armed services: fee waiver.**

**Introduced:** 1/18/2013

**Last Amended:** 9/3/2013

**Status:** 10/10/2013-Chaptered by Secretary of State - Chapter 688, Statutes of 2013.

**Location:** 10/10/2013-A. CHAPTERED

**Summary:**

Would authorize the Department of Parks and Recreation to offer a veteran, as defined, or current active duty or reserve military personnel for the United States Armed Forces or the National Guard of any state, a reduced fee or free day use of the California state parks, as provided, on Memorial Day and Veterans Day if certain conditions are met, including that proper proof is supplied.

**AB 153 (Bonilla D) California Global Warming Solutions Act of 2006: offsets.**

**Introduced:** 1/18/2013

**Last Amended:** 4/8/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board to include the use of market-based compliance mechanisms. This bill, if the state board uses its authority to include the use of market-based compliance mechanisms, would require the state board, on or before January 1, 2015, to adopt a specified process for the review and consideration of new offset protocols and, commencing in 2014 and continuing annually thereafter, use that process to review and consider new offset protocols. The bill would require the state board to adopt guidelines and incentives that prioritize the approval of specified offset protocols. The bill would require the state board to submit a specified annual report to the Legislature.

**AB 189 (Buchanan D) Energy: solar energy systems: funding.**

**Introduced:** 1/28/2013



**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 1/28/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Existing law requires the Public Utilities Commission, before collecting additional ratepayer funds to fund certain program shortfalls, to first allocate interest accumulated from customer collections and, for the remainder of the shortfall, to increase collections from customers of the state's 3 largest electrical corporations for specified programs. This bill would make technical, nonsubstantive changes to the latter provision.

**[AB 190 \(Buchanan D\)](#) Electricity: solar energy systems.**

**Introduced:** 1/28/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 1/28/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Under current law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations. The PUC adopted the California Solar Initiative. Under current law "kWh" means kilowatthours, as measured by the number of kilowatts generated in one hour. This bill would make a nonsubstantive change to that provision.

**[AB 203 \(Stone D\)](#) Coastal resources: coastal development permits: penalties.**

**Introduced:** 1/30/2013

**Last Amended:** 5/29/2013

**Status:** 5/31/2013-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 5/31/2013)

**Location:** 5/31/2013-A. 2 YEAR

**Summary:**

Would prohibit the California Coastal Commission, with exceptions, from filing as complete, or acting upon, an application for a coastal development permit for a project on property that is subject to an existing violation case for which a violation notification letter has been sent by the commission, or a cease and desist order, restoration order, or notice of violation has been issued or recorded until the violation has been resolved. The bill would authorize the commission to resolve any unresolved dispute between the executive director and an applicant regarding the implementation of the above provision at a noticed hearing.

**[AB 217 \(Bradford D\)](#) Electricity: solar electricity: low-income households.**

**Introduced:** 1/31/2013

**Last Amended:** 9/6/2013

**Status:** 10/7/2013-Chaptered by Secretary of State - Chapter 609, Statutes of 2013.



**Location:** 10/7/2013-A. CHAPTERED

**Summary:**

The Single-Family Affordable Solar Homes Program (SASH) and the Multifamily Affordable Solar Housing Program (MASH) programs will operate until December 31, 2016, or until funds collected for the above purposes are exhausted, whichever occurs sooner. This bill would, upon the expenditure or reservation of those funds reserved for low-income residential housing, authorize the surcharge collected by the electrical corporations for the California Solar Initiative to continue to provide funding for the administration of the SASH and MASH programs. The bill would require the commission to ensure the total amount resulting from the continued collection of the charge does not exceed \$108,000,000. The bill would extend the operation of the SASH and MASH programs to December 31, 2021, or until the exhaustion of that amount, whichever occurs sooner.

**[AB 224 \(Gordon D\)](#) Agricultural products: direct marketing: community-supported agriculture.**

**Introduced:** 2/4/2013

**Last Amended:** 9/3/2013

**Status:** 9/28/2013-Chaptered by Secretary of State - Chapter 404, Statutes of 2013.

**Location:** 9/28/2013-A. CHAPTERED

**Summary:**

Would encourage the Department of Food and Agriculture to assist in organizing community-supported agriculture. The bill would require producers that market whole produce, shell eggs, or processed foods through single-farm or multi-farm community-supported agriculture programs, as defined, to register annually with the department as a California direct marketing producer, and, among other things, to specify whether the producer is part of a single-farm community-supported agriculture program or a multi-farm community-supported agriculture program. This bill contains other related provisions and other existing laws.

**[AB 229 \(John A. Pérez D\)](#) Local government: infrastructure and revitalization financing districts.**

**Introduced:** 2/4/2013

**Last Amended:** 8/12/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2013)

**Location:** 9/13/2013-A. 2 YEAR

**Summary:**

Would authorize the creation by a city, county, city and county, or joint powers authority of an infrastructure and revitalization financing district, as defined, and the issuance of debt with 2/3 voter approval. The bill would authorize the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30 years, as specified. The bill would authorize a district to finance projects in

redevelopment project areas and former redevelopment project areas and former military bases. This bill contains other related provisions.

**[AB 239 \(Hagman R\)](#) Energy: school facilities: energy efficiency upgrade projects.**

**Introduced:** 2/5/2013

**Last Amended:** 4/8/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was U. & C. on 4/29/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would establish the California Clean Energy School Fund in the State Treasury. The bill would transfer 50% of the moneys deposited into the Clean Energy Job Creation Fund to the California Clean Energy School Fund during specified fiscal years . The bill would require the Office of Public School Construction, in consultation with the State Energy Resources Conservation and Development Commission and the Public Utilities Commission, to expend moneys in the California Clean Energy School Fund, upon appropriation by the Legislature, to fund a zero-interest revolving loan program and a grant program for school districts to perform energy efficiency retrofit or clean energy installation projects at public schools.

**[AB 243 \(Dickinson D\)](#) Local government: infrastructure and revitalization financing districts.**

**Introduced:** 2/6/2013

**Last Amended:** 8/19/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2013)

**Location:** 9/13/2013-A. 2 YEAR

**Summary:**

Would authorize the creation of an infrastructure and revitalization financing district, as defined, and the issuance of debt with 55% voter approval. The bill would authorize the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30 years, as specified. The bill would authorize a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases. The bill would authorize the legislative body of a city , as defined, to dedicate any portion of its funds received from the Redevelopment Property Tax Trust Fund to the district, if specified criteria are met. This bill contains other related provisions.

**[AB 253 \(Levine D\)](#) Floating home marinas: conversion: subdivision map requirements.**

**Introduced:** 2/6/2013

**Last Amended:** 9/4/2013

**Status:** 9/30/2013-Chaptered by Secretary of State - Chapter 432, Statutes of 2013.

**Location:** 9/30/2013-A. CHAPTERED

**Summary:**

Would require a subdivider, at the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a floating home marina to another use, to file a report on the impact of the conversion upon the displaced residents of the floating home marina to be converted, addressing the availability of adequate replacement space in floating home marinas. The bill would exempt from these requirements the conversion of a rental floating home marina to resident ownership, and would instead require a subdivider for that conversion to avoid the economic displacement of nonpurchasing residents, as specified, and file a report on the impact of the conversion upon the displaced residents of the floating home marina to be converted. This bill contains other related provisions and other existing laws.

**[AB 270 \(Bradford D\)](#) Public utilities: ratepayer-funded energy efficiency assistance.**

**Introduced:** 2/7/2013

**Last Amended:** 8/22/2013

**Status:** 10/7/2013-Chaptered by Secretary of State - Chapter 610, Statutes of 2013.

**Location:** 10/7/2013-A. CHAPTERED

**Summary:**

Would require the Public Utilities Commission to require the electrical and gas corporations to cooperate in establishing, by June 1, 2014, a publicly available Internet Web site containing specified information regarding ratepayer-funded energy efficiency programs. Because a violation of this provision is a crime, this bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

**[AB 276 \(Hueso D\)](#) CalFresh eligibility.**

**Introduced:** 2/11/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was HUM. S. on 2/21/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would require the state to submit a request to the United States Department of Agriculture, on or before December 31, 2014, to waive the requirement excluding the basic allowance for housing from countable income in the calculation of eligibility and benefit level and would require the waiver to be implemented within 6 months of being granted. This bill contains other related provisions and other existing laws.

**[AB 284 \(Quirk D\)](#) Energy: Road to 2050 Board: reporting.**

**Introduced:** 2/11/2013

**Last Amended:** 5/8/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/24/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Would require the chair of the State Air Resources Board to convene the Road to 2050 Board consisting of specified representatives from specified state agencies and commissions. The bill would require the Road to 2050 Board, by January 31, 2016, and by January 31 of each even-numbered year thereafter, to submit a report to the Governor and the Legislature on the impacts to California of global warming, including impacts to water supply, public health, agriculture, coastline, and forestry, and to prepare and report on mitigation and adaptation plans to combat these impacts.

**[AB 293 \(Allen R\) Energy: California Clean Energy Jobs Act: implementation.](#)**

**Introduced:** 2/11/2013

**Last Amended:** 5/8/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/16/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Would require the State Energy Resources Conservation and Development Commission, in consultation with the Public Utilities Commission and other appropriate state agencies, to develop a program to award financial assistance for the purposes of implementing the California Clean Energy Jobs Act. The bill would require the State Energy Resources Conservation and Development Commission to administer grants, loans, or other financial assistance to eligible entities for the purpose of funding eligible projects that create jobs in California by reducing energy demand and consumption, to establish criteria for the award of grants, loans, or other financial assistance that include specified matter, and to maintain a public database of the eligible entities that receive grants, loans, or other financial assistance through the program.

**[AB 294 \(Holden D\) Local-State Joint Investment Partnership Pilot Program.](#)**

**Introduced:** 2/11/2013

**Last Amended:** 5/6/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/16/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Would, until January 1, 2020, establish a pilot program whereby certain local government entities, upon the approval and oversight of the Infrastructure and Economic Development Bank, are authorized to reallocate their annual payments of

property tax revenue directed to the Educational Revenue Augmentation Fund to instead finance certain kinds of public works that further state policy, as specified. This bill would require each local government entity operating a project under the pilot program and the bank to submit annual reports, as specified, on the results of the pilot program.

**[AB 321 \(Donnelly R\)](#) Registration of sex offenders: nonpermitted addresses.**

**Introduced:** 2/12/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 4/1/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would require an employee of a law enforcement agency who receives the registration of a sex offender or the update to a registration to check the address given by the sex offender and ensure that the address is not that of a place where the sex offender is prohibited from staying or a place that serves the needs of children. The bill would require the employee of the law enforcement agency to inform the person if the registered address is a place where the person is prohibited from being and would require the person to find a new address within 60 days and register that new address with the appropriate law enforcement agency. This bill contains other related provisions and other existing laws.

**[AB 325 \(Alejo D\)](#) Land use and planning: cause of actions: time limitations.**

**Introduced:** 2/13/2013

**Last Amended:** 9/6/2013

**Status:** 10/12/2013-Chaptered by Secretary of State - Chapter 767, Statutes of 2013.

**Location:** 10/12/2013-A. CHAPTERED

**Summary:**

The Planning and Zoning Law requires an action or proceeding against local zoning and planning decisions of a legislative body to be commenced and the legislative body to be served within a year of accrual of the cause of action, if it meets certain requirements. This bill would authorize the notice to be filed any time within 180 days after specified zoning and planning decisions, but would set a 270-day period for notice with respect to an adopted or revised housing element that is found to substantially comply with law, and a 2-year period for notice with respect to an adopted or revised housing element that is found not to substantially comply with law. The bill would make further conforming changes.

**[AB 327 \(Perea D\)](#) Electricity: natural gas: rates: net energy metering: California Renewables Portfolio Standard Program.**

**Introduced:** 2/13/2013

**Last Amended:** 9/6/2013

**Status:** 10/7/2013-Chaptered by Secretary of State - Chapter 611, Statutes of 2013.

**Location:** 10/7/2013-A. CHAPTERED

**Summary:**

Would repeal the limitations upon increasing the electric service rates of residential customers, including the rate increase limitations applicable to electric service provided to CARE customers, but would require the Public Utilities Commission, in establishing rates for CARE program participants, to ensure that low-income ratepayers are not jeopardized or overburdened by monthly energy expenditures and to adopt CARE rates in which the level of discount for low-income electricity and gas ratepayers correctly reflects their level of need, as determined by a specified needs assessment. The bill would require that this needs assessment be performed not less often than every 3rd year. This bill contains other related provisions and other existing laws.

**AB 338 (Chávez R) State property: surplus.**

**Introduced:** 2/13/2013

**Last Amended:** 3/20/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was A. & A.R. on 3/21/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Current law authorizes the Director of General Services, to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature. This bill would authorize the Director of Parks and Recreation, with the approval of the Director of General Services, to enter into an agreement with the City of Carlsbad for the exchange of specified parcels of real property subject to certain conditions.

**AB 379 (Brown D) Manufactured housing: removal.**

**Introduced:** 2/14/2013

**Last Amended:** 6/12/2013

**Status:** 8/26/2013-Chaptered by Secretary of State - Chapter 137, Statutes of 2013.

**Location:** 8/26/2013-A. CHAPTERED

**Summary:**

Current law requires an enforcement agency to record with the county recorder of the county where real property is situated, on the same day that the certificate of occupancy for a manufactured home, mobilehome, or commercial modular is issued by the appropriate enforcement agency, that the real property has been installed upon, a document naming the owner of the real property, describing the real property with certainty, and stating that a manufactured home, mobilehome, or commercial modular has been affixed to the real property by installation on a foundation system, as specified. This bill would instead require that recordation to occur within 5 business days of the issuance of the certificate of occupancy. This bill contains other related provisions and other existing laws.

**[AB 382 \(Mullin D\)](#) State and local government: alternative investments: public access.**

**Introduced:** 2/14/2013

**Last Amended:** 6/19/2013

**Status:** 9/23/2013-Chaptered by Secretary of State - Chapter 326, Statutes of 2013.

**Location:** 9/23/2013-A. CHAPTERED

**Summary:**

Current law excludes from disclosure records of public investment funds regarding alternative investments, as defined, unless the information has already been publicly released by the keeper of the information. Current law defines an alternative investment to mean an investment in a private equity fund, venture fund, hedge fund, or absolute return fund. This bill would include prescribed documents dealing with alternative investments within the exceptions to the requirement for disclosure of documents related to public meetings. This bill contains other related provisions and other existing laws.

**[AB 431 \(Mullin D\)](#) County Employees Retirement Law of 1937: federal law compliance.**

**Introduced:** 2/15/2013

**Last Amended:** 9/12/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was TRANS. on 9/12/2013)

**Location:** 9/13/2013-A. 2 YEAR

**Summary:**

Would revise various provisions of CERL to explicitly conform with federal law. In this regard, the bill would provide that a member's accrued retirement benefits are nonforfeitable, in accordance with federal law, once the member attains normal retirement age, as specified, or upon termination of, or discontinuance of contributions under, the retirement system. Upon the withdrawal of a district from a retirement system, the bill also would prohibit a refund, distribution, or transfer of contributions for other funds to an employee or district unless in compliance with prescribed federal law. This bill contains other related provisions and other existing laws.

**[AB 432 \(V. Manuel Pérez D\)](#) Horse racing: exchange wagering.**

**Introduced:** 2/15/2013

**Last Amended:** 6/19/2013

**Status:** 9/9/2013-Chaptered by Secretary of State - Chapter 264, Statutes of 2013.

**Location:** 9/9/2013-A. CHAPTERED

**Summary:**

Would require any racing association or racing fair receiving distributions from any exchange wagering agreement to distribute a specified portion of that revenue to



the official registering agency. The bill would require the official registering agency to distribute those revenues in a specified manner. By imposing new requirements on any racing association or racing fair, the violation of which would be a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**[AB 448 \(Quirk D\) Renewable energy resources.](#)**

**Introduced:** 2/19/2013

**Last Amended:** 4/16/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was U. & C. on 4/17/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would require the State Energy Resources Conservation and Development Commission to include in its integrated energy policy report an assessment of the flexible capacity required by the ISO to reliably operate the electrical system as energy resources are diversified. This bill would require this assessment to include an evaluation of how any change in flexible capacity to accommodate energy resource diversification impacts various aspects of the electrical system. This bill contains other existing laws.

**[AB 466 \(Quirk-Silva D\) Federal transportation funds.](#)**

**Introduced:** 2/19/2013

**Last Amended:** 8/29/2013

**Status:** 10/11/2013-Chaptered by Secretary of State - Chapter 736, Statutes of 2013.

**Location:** 10/11/2013-A. CHAPTERED

**Summary:**

Would require the Department of Transportation to allocate federal funds to regional agencies under the federal Congestion Mitigation and Air Quality Improvement Program based on a weighted formula that considers population and pollution in a given area, as specified.

**[AB 485 \(Gomez D\) In-home supportive services.](#)**

**Introduced:** 2/19/2013

**Last Amended:** 9/6/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was HEALTH on 9/11/2013)

**Location:** 9/13/2013-S. 2 YEAR

**Summary:**

Under current law, in counties where IHSS is a Medi-Cal benefit available through managed care health plans, those health plans are required to assume specified duties, including entering into a memorandum of understanding with a county



agency to perform specified activities, after the director provides that notification. Under existing law, the assumption of these responsibilities by the Statewide Authority is also known as the county implementation date. This bill would, instead, make the implementation date January 1, 2014, would delete the reference to the "county" implementation date, and would make conforming changes. This bill contains other related provisions and other existing laws.

**[AB 514 \(Bonta D\)](#) The Safe Schools for Safe Learning Act of 2013.**

**Introduced:** 2/20/2013

**Last Amended:** 6/26/2013

**Status:** 10/10/2013-Chaptered by Secretary of State - Chapter 702, Statutes of 2013.

**Location:** 10/10/2013-A. CHAPTERED

**Summary:**

The Safe Place to Learn Act requires the Superintendent of Public Instruction to post on his or her Internet Web site a list of statewide resources that provide support to youth who have been subjected to school-based discrimination, harassment, or bullying, and their families. This bill, the Safe Schools for Safe Learning Act of 2013, would instead require the Superintendent to post that information on the State Department of Education's Internet Web site, and would also require the department's Internet Web site to include a list of statewide resources for youth who have been affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community. The bill would express various findings and declarations of the Legislature relating to school safety.

**[AB 521 \(Stone D\)](#) Recycling: marine plastic pollution.**

**Introduced:** 2/20/2013

**Last Amended:** 5/7/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/24/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Would require the Department of Resources Recycling and Recovery, by June 1, 2014, in coordination with the Ocean Protection Council and the State Water Resources Control Board, to adopt regulations to implement the bill. The department would be required, by July 1, 2014, in consultation with the council and the state water board, to adopt a list that specifies those items, or categories of items, that the department finds are the major sources of marine plastic pollution and, therefore, would be a covered item for purposes of the bill, and to revise the list, as specified. This bill contains other related provisions and other existing laws.

**[AB 544 \(Wilk R\)](#) Career technical education.**

**Introduced:** 2/20/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/20/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Current law authorizes, among other things, the governing board of any high school district to establish and maintain, in connection with any high school or regional occupational center or program under its jurisdiction, cooperative career technical education programs or community classrooms as part of a career technical education course, as specified. This bill would make technical, nonsubstantive changes to this provision.

**[AB 564 \(Mullin D\) Community redevelopment: successor agencies.](#)**

**Introduced:** 2/20/2013

**Last Amended:** 9/6/2013

**Status:** 10/13/2013-Vetoed by the Governor

**Location:** 10/13/2013-A. VETOED

**Summary:**

Current law requires each successor agency to have an oversight board to approve certain actions of the successor agency, including the approval of an enforceable obligation. Current law requires the Department of Finance to review the actions of an oversight board. Current law prescribes when an action of an oversight board shall become effective, subject to approval by the Department of Finance. This bill would prohibit the Department of Finance from taking any future action to modify the enforceable obligations described above following the effective date of the approval of those enforceable obligations after review by the oversight board and the department. This bill contains other related provisions and other existing laws.

**[AB 572 \(Atkins D\) California Global Warming Solutions Act of 2006: market-based compliance mechanisms.](#)**

**Introduced:** 2/20/2013

**Last Amended:** 3/14/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/18/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

For purposes of determining the viability of incentivizing greenhouse gas emissions reductions through increased energy efficiency, this bill would require the Public Utilities Commission, in consultation with the State Air Resources Board and the State Energy Resources Conservation and Development Commission, to develop one or more protocols, as specified, to enable 3rd -party intermediaries to document, aggregate, and trade or sell on behalf of specified entities, the greenhouse gas emissions reductions value of energy efficient measures that are more stringent than applicable building code standards.

**[AB 574 \(Lowenthal D\)](#) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: sustainable communities strategies.**

**Introduced:** 2/20/2013

**Last Amended:** 4/15/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Would require the State Air Resources Board, in consultation with the California Transportation Commission and the Strategic Growth Council, to establish standards for the use of moneys allocated from the Greenhouse Gas Reduction Fund for sustainable communities projects, as specified. The bill would require the state board, in consultation with the California Transportation Commission and the Strategic Growth Council, to establish the criteria for the development and implementation of regional grant programs, as specified. This bill contains other existing laws.

**[AB 604 \(Ammiano D\)](#) Medical cannabis: state regulation and enforcement.**

**Introduced:** 2/20/2013

**Last Amended:** 9/11/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was PUB. S. on 9/11/2013)

**Location:** 9/13/2013-S. 2 YEAR

**Summary:**

Would enact the Medical Cannabis Regulation and Control Act and would create the Division of Medical Cannabis Regulation and Enforcement within the Department of Alcoholic Beverage Control, to be administered by a person exempt from civil service who is appointed by the Director of Alcoholic Beverage Control. The bill would grant the department the exclusive power to register persons for the cultivation, manufacture, testing, transportation, storage, distribution, and sale of medical cannabis within the state subject to specified exemptions for a city or county. This bill contains other related provisions and other existing laws.

**[AB 605 \(Linder R\)](#) Sex offenders: parole violations.**

**Introduced:** 2/20/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 4/2/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would provide that any criminal defendant who is released on parole or to postrelease community supervision, who has suffered a prior or current felony requiring registration as a sex offender, and who violates that parole or postrelease

community-based supervision shall serve any period of incarceration ordered for that violation in the state prison.

**AB 623 (Lowenthal D) Inmates: psychiatric medication: informed consent.**

**Introduced:** 2/20/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PUB. S. on 3/4/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Current law prohibits, except as specified, a person sentenced to imprisonment in a county jail from being administered any psychiatric medication without his or her prior informed consent. This bill would instead prohibit, except as specified, a person confined in a county jail from being administered any psychiatric medication without his or her prior informed consent.

**AB 654 (Hall D) Direct marketing: certified farmers' markets.**

**Introduced:** 2/21/2013

**Last Amended:** 6/26/2013

**Status:** 9/28/2013-Chaptered by Secretary of State - Chapter 409, Statutes of 2013.

**Location:** 9/28/2013-A. CHAPTERED

**Summary:**

Current law requires, until January 1, 2014, that every operator of a certified farmers' market remit to the Department of Food and Agriculture a fee equal to the number of certified producer certificates and other agricultural producers participating on each market day for the entire previous quarter to be deposited in the Department of Food and Agriculture Fund and used by the department, upon appropriation by the Legislature, as specified. This bill would extend these provisions until January 1, 2018. This bill contains other related provisions and other existing laws.

**AB 662 (Atkins D) Local government: redevelopment: successor agencies to redevelopment agencies.**

**Introduced:** 2/21/2013

**Last Amended:** 9/6/2013

**Status:** 10/13/2013-Vetoed by the Governor

**Location:** 10/13/2013-A. VETOED

**Summary:**

Current law prohibits an infrastructure financing district from including any portion of a redevelopment project area. This bill would delete that prohibition and would authorize a district to finance a project or portion of a project that is located in, or overlaps with, a redevelopment project area or former redevelopment project area, as specified. This bill contains other related provisions and other existing laws.

**[AB 690 \(Campos D\) Jobs and education financing districts: voter approval.](#)**

**Introduced:** 2/21/2013

**Last Amended:** 9/11/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was L. GOV. on 9/12/2013)

**Location:** 9/13/2013-A. 2 YEAR

**Summary:**

Would revise and recast the provisions governing infrastructure financing districts and instead provide for the creation of jobs and education financing districts (JEDs) without voter approval, and would make various conforming changes. The bill would authorize a public financing authority to enter into joint powers agreements with affected taxing entities with regard to nontaxing authority or powers only. The bill would authorize a district to implement hazardous cleanup pursuant to the Polanco Redevelopment Act, as specified. This bill contains other existing laws.

**[AB 692 \(Torres D\) Mobilehomes: loans.](#)**

**Introduced:** 2/21/2013

**Last Amended:** 7/11/2013

**Status:** 8/15/2013-In committee: Set, second hearing. Hearing canceled at the request of author.

**Location:** 8/15/2013-S. APPR.

**Summary:**

Would change the name of the Mobilehome Park Purchase Fund to the Mobilehome Park Rehabilitation and Park Purchase Fund and authorize the Department of Housing and Community Development to provide loans from the fund to the owner of a mobilehome park for the purpose of rehabilitating park infrastructure, including water, sewage, and electrical systems. The bill would specify that the purpose of these loans would also be to bring mobilehome parks into compliance with applicable health and safety standards. This bill contains other existing laws.

**[AB 702 \(Ammiano D\) Sex offenders: registration.](#)**

**Introduced:** 2/21/2013

**Last Amended:** 3/19/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Current law requires every person convicted of certain offenses, for the rest of his or her life while residing in California, or while attending school or working in California, as specified, to register with certain police departments, as specified, within 5 working days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides,

and to register thereafter as specified. This bill would instead establish 3 tiers of registration based on specified criteria, for periods of 10 years, 20 years, and life,

**[AB 708 \(Nestande R\)](#) Teachers: compensation: career technical education teachers.**

**Introduced:** 2/21/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was ED. on 3/4/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Would, for a teacher who holds a 5-year clear designated subjects career technical education teaching credential, require that the 3 years of work experience, as specified, be deemed to be the equivalent of a baccalaureate degree, and would require that the holder of a 5-year clear designated subjects career technical education teaching credential be placed on and advance along the salary schedule of the school district in the same manner as a teacher with a baccalaureate degree.

**[AB 720 \(Skinner D\)](#) Inmates: health care enrollment.**

**Introduced:** 2/21/2013

**Last Amended:** 9/6/2013

**Status:** 10/8/2013-Chaptered by Secretary of State - Chapter 646, Statutes of 2013.

**Location:** 10/8/2013-A. CHAPTERED

**Summary:**

Would authorize the board of supervisors in each county, in consultation with the county sheriff, to designate an entity or entities to assist county jail inmates to apply for a health insurance affordability program, as defined. The bill would authorize the entity, to the extent authorized by federal law and federal financial participation is available, to act on behalf of a county jail inmate for the purpose of applying for, or determinations of, Medi-Cal eligibility for acute inpatient hospital services, as specified. This bill contains other related provisions and other existing laws.

**[AB 754 \(Muratsuchi D\)](#) Income taxes: voluntary contributions: California Beach and Coastal Enhancement Account.**

**Introduced:** 2/21/2013

**Last Amended:** 5/20/2013

**Status:** 9/20/2013-Chaptered by Secretary of State - Chapter 323, Statutes of 2013.

**Location:** 9/20/2013-A. CHAPTERED

**Summary:**

Would authorize individuals to designate on their tax returns, under the designation titled "Protect Our Coast and Oceans Fund," that a contribution in excess of their tax liability be made to the California Beach and Coastal Enhancement Account. This bill would require that all moneys contributed to the account pursuant to these provisions, upon appropriation by the Legislature, be allocated to the Franchise Tax

Board and the Controller for reimbursement and to the California Coastal Commission for grants and programs that preserve, protect, or enhance coastal resources and promote coastal and marine educational activities for underserved communities.

**[AB 768 \(Achadjian R\)](#) Sexually violent predators: conditional release.**

**Introduced:** 2/21/2013

**Last Amended:** 4/16/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 4/17/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would prohibit a sexually violent predator who has been granted conditional release from being released as a transient in any county or being placed in housing that consists of a recreational or other vehicle. The bill would also declare that extraordinary circumstances justifying the placement of a person who has been granted conditional release in a county other than his or her county of domicile are present when housing, as specified, cannot be located within the county of domicile within 180 days of a court ordering that the person be conditionally released.

**[AB 796 \(Muratsuchi D\)](#) Advanced electrical distributed generation technology.**

**Introduced:** 2/21/2013

**Last Amended:** 8/26/2013

**Status:** 10/7/2013-Chaptered by Secretary of State - Chapter 617, Statutes of 2013.

**Location:** 10/7/2013-A. CHAPTERED

**Summary:**

Current law prohibits placing alternative fuel capability requirements upon gas customers that use gas for purposes of cogeneration. This bill would make the above-described authority, limitations, and prohibitions inapplicable to an advanced electrical distributed generation technology that is first operational at a site on and after January 1, 2016, rather than January 1, 2014. This bill contains other related provisions and other existing laws.

**[AB 803 \(Gomez D\)](#) Water Recycling Act of 2013.**

**Introduced:** 2/21/2013

**Last Amended:** 8/12/2013

**Status:** 10/8/2013-Chaptered by Secretary of State - Chapter 635, Statutes of 2013.

**Location:** 10/8/2013-A. CHAPTERED

**Summary:**

Current law requires any person who, without regard to intent or negligence, causes or permits any sewage or other waste, or the effluent of treated sewage or other waste, to be discharged in or on any waters of the state, or where it probably will be discharged in or on any waters of the state, to immediately notify the local health



officer of the director of environmental health of the discharge, as prescribed. This bill, the Water Recycling Act of 2013, would provide that this notification requirement does not apply to an unauthorized discharge of effluent of treated sewage defined as recycled water, as defined. This bill contains other related provisions and other existing laws.

**[AB 822 \(Hall D\)](#) Local government retirement plans.**

**Introduced:** 2/21/2013

**Last Amended:** 7/10/2013

**Status:** 10/12/2013-Vetoed by the Governor

**Location:** 10/12/2013-A. VETOED

**Summary:**

Would require, whenever a local ordinance or measure qualifies for the ballot that proposes to alter, replace, or eliminate the retirement benefit plan of employees of a local government entity, whether by initiative or legislative action, the governing body of the local government entity to secure the services of an independent actuary to provide a statement, or a summary of the statement, not to exceed 500 words in length, of the actuarial impact of the proposed measure upon future annual costs of the retirement benefit plan, and to have this statement printed in the voter information portion of the sample ballot. This bill contains other related provisions and other existing laws.

**[AB 846 \(Achadjian R\)](#) Energy: property assessed clean energy.**

**Introduced:** 2/21/2013

**Last Amended:** 3/14/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was NAT. RES. on 3/18/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Would authorize a school district, county office of education, or charter school to voluntarily enter into an agreement with a PACE program to finance, refinance, or lease the installation of distributed generation renewable energy sources, electric vehicle charging infrastructure, or energy or water efficiency improvements.

**[AB 875 \(Chesbro D\)](#) Forest management.**

**Introduced:** 2/22/2013

**Last Amended:** 4/22/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/24/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Current law requires that moneys deposited into the Timber Regulation and Forest Restoration Fund be expended, upon appropriation by the Legislature, for specified



purposes, including to fund existing restoration grant programs. This bill would provide that priority be given to funding restoration grant programs relating to salmon and anadromous trout species. This bill contains other related provisions and other existing laws.

**[AB 876 \(Bonta D\) Telecommunications: California Teleconnect Fund Administrative Committee Fund.](#)**

**Introduced:** 2/22/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was U. & C. on 3/7/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Current law requires the Public Utilities Commission to develop and implement a program funded by the California Teleconnect Fund Administrative Committee Fund to advance universal service by providing discount rates to qualifying schools, community colleges, libraries, hospitals, health clinics, and community organizations. This bill would require the commission to revise the program described above to give priority for advanced high-quality communication services over legacy communication services. The bill would require the commission to open a new proceeding or amend an existing proceeding to determine whether the rates charged to qualifying schools receiving financial support from the program are comparable to the rates charged to for-profit entities for comparable communication services.

**[AB 898 \(Ting D\) Zero-emission vehicles: infrastructure.](#)**

**Introduced:** 2/22/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/22/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Would state the intent of the Legislature to enact subsequent legislation that would reduce motor vehicle emissions through the construction of infrastructure to charge zero-emission electric vehicles, with the goal of expanding the travel range of zero-emission electric vehicles by January 2015 pursuant to a specified executive order.

**[AB 904 \(Chesbro D\) Forest practices: working forest management plans.](#)**

**Introduced:** 2/22/2013

**Last Amended:** 9/3/2013

**Status:** 10/8/2013-Chaptered by Secretary of State - Chapter 648, Statutes of 2013.

**Location:** 10/8/2013-A. CHAPTERED

**Summary:**

Would authorize a person who intends to become a working forest landowner, as defined, to file a working forest management plan with the Department of Forestry

and Fire Protection, with the long-term objective of an uneven aged timber stand and sustained yield through the implementation of the plan. The bill would require the plan to be prepared by a registered professional forester, be public record, and contain certain information, including the name and address of the timberland owner. This bill contains other related provisions and other existing laws.

**[AB 905 \(Ting D\)](#) Real property: environmental fee covenants.**

**Introduced:** 2/22/2013

**Last Amended:** 4/30/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was JUD. on 5/1/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Current law provides for the recording of an instrument containing an Environmental Restriction covenant made by an owner of land or by the grantee of land to do or refrain from doing an act that is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on the land of hazardous materials. This bill would also provide for the recording of an Environmental Fee Covenant, as specified, that is, among other things, imposed for no more than 50 years in connection with the installation on the property of equipment or improvements that are intended to promote, among other things, energy efficiency and the reduction of the consumption of water or other natural resources.

**[AB 932 \(Achadjian R\)](#) Sex offenders: registration.**

**Introduced:** 2/22/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/22/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Current law requires the registration of sex offenders and requires the Department of Justice to make available to the public via an Internet Web site certain information relating to certain registered sex offenders, including the address at which the person resides, as specified. Current law requires the department to record the address at which a registered sex offender resides with a unique identifier. This bill would make a technical, nonsubstantive change to the provision requiring the department to record that address with a unique identifier.

**[AB 935 \(Frazier D\)](#) San Francisco Bay Area Water Emergency Transportation Authority: terms of board members.**

**Introduced:** 2/22/2013

**Last Amended:** 4/25/2013

**Status:** 7/12/2013-Failed Deadline pursuant to Rule 61(a)(10)(SEN). (Last location was T. & H. on 5/23/2013)

**Location:** 7/12/2013-S. 2 YEAR

**Summary:**

Would expand the number of members appointed by the Senate Committee on Rules and the Speaker of the Assembly to 2 members each. The bill would require that the initial terms of the additional members appointed by the Senate Committee on Rules and the Speaker of the Assembly pursuant to its provisions shall be 2 years and 6 years, respectively. The bill would require that one of the 3 members appointed by the Governor be a bona fide labor representative and that another member be a resident of the City and County of San Francisco selected from a list of 3 nominees provided by the San Francisco County Transportation Authority. This bill contains other related provisions and other existing laws.

**AB 976 (Atkins D) Coastal resources: California Coastal Act of 1976:**  
**enforcement: penalties.**

**Introduced:** 2/22/2013

**Last Amended:** 8/26/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was CONFERENCE COMMITTEE on 9/10/2013)

**Location:** 9/13/2013-A. 2 YEAR

**Summary:**

Would authorize, until January 1, 2019, the California Coastal Commission to impose upon a person who violates the act an administrative civil penalty by a majority vote of the commissioners, upon consideration of various factors, and in an amount not to exceed 75% of the maximum civil penalty that may be imposed in the superior court, as specified. The bill would require the penalty to be assessed for each day the violation persists, but for no more than 5 years. This bill contains other related provisions.

**AB 994 (Lowenthal D) Postplea misdemeanor diversion programs.**

**Introduced:** 2/22/2013

**Last Amended:** 9/6/2013

**Status:** 10/13/2013-Vetoed by the Governor

**Location:** 10/13/2013-A. VETOED

**Summary:**

Would require each prosecuting attorney to establish a postplea misdemeanor diversion program within his or her jurisdiction and would authorize either the prosecuting attorney or the superior court to offer diversion to a first time misdemeanor defendant, as specified. The program would specify the administrative procedures and who would be eligible for the postplea misdemeanor diversion program. The bill would repeal these provisions as of January 1, 2019. By requiring diversion programs in local jurisdictions, this bill would impose a state-

mandated local program. This bill contains other related provisions and other existing laws.

**AB 996 (Dickinson D) Agricultural products: direct marketing: certified farmers' markets.**

**Introduced:** 2/22/2013

**Last Amended:** 5/6/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Would make it unlawful for any person or entity to intentionally make any statement, representation, or assertion relating to the sale or availability of agricultural products that is false, deceptive, or misleading, as specified, and would make a violation of those provisions a misdemeanor punishable by imprisonment in the county jail not exceeding 6 months, by a fine not exceeding \$2,500, or both the fine and imprisonment. By creating a new crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**AB 1002 (Bloom D) Vehicles: registration fee: sustainable communities strategies.**

**Introduced:** 2/22/2013

**Last Amended:** 4/23/2013

**Status:** 4/30/2013-In committee: Set, first hearing. Hearing canceled at the request of author.

**Location:** 4/24/2013-A. L. GOV.

**Summary:**

Would, in addition to any other taxes and fees specified in the Vehicle Code and the Revenue and Taxation Code, impose a tax of \$6 to be paid at the time of registration or renewal of registration of every vehicle subject to registration under the Vehicle Code in a county that is in a metropolitan planning organization required to prepare a sustainable communities strategy as part of its regional transportation plan, except as specified. This bill contains other existing laws.

**AB 1042 (Hall D) Indian Gaming Special Distribution Fund.**

**Introduced:** 2/22/2013

**Last Amended:** 8/12/2013

**Status:** 10/11/2013-Chaptered by Secretary of State - Chapter 746, Statutes of 2013.

**Location:** 10/11/2013-A. CHAPTERED

**Summary:**

Would require the Department of Finance, in consultation with the California

Gambling Control Commission, to calculate and provide a recommendation regarding the total revenue in the Indian Gaming Special Distribution Fund that will be available for the current budget year for the local government agencies. The bill would require the department, in making its recommendation, to consider any anticipated revenue from additional tribal gaming operations. This bill contains other related provisions.

**[AB 1051 \(Bocanegra D\) Housing.](#)**

**Introduced:** 2/22/2013

**Last Amended:** 4/8/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/16/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Would state findings and declarations of the Legislature relating to transportation and residential housing development, as specified. The bill would create the Sustainable Communities for All program, which shall begin operations on January 1, 2015, to fund transit-related projects through competitive grants and loans, as specified. The Sustainable Communities for All program would not be implemented until the Legislature appropriates funds for the program. This bill contains other related provisions and other existing laws.

**[AB 1074 \(Atkins D\) Horse racing: thoroughbred racing.](#)**

**Introduced:** 2/22/2013

**Last Amended:** 8/26/2013

**Status:** 9/30/2013-Chaptered by Secretary of State - Chapter 428, Statutes of 2013.

**Location:** 9/30/2013-A. CHAPTERED

**Summary:**

The Horse Racing Law, authorizes the California Horse Racing Board to make allocations of racing weeks, as it deems appropriate. This bill would, instead of separate allocations to the central and southern zones, establish a maximum of 49 racing weeks per year in the combined central and southern zones. The bill would also require the board to allocate from those weeks a minimum number of weeks to certain racetracks in the central and southern zones that were used to conduct thoroughbred race meetings prior to 2012 and would authorize the board to allocate from those weeks a maximum number of weeks to certain racetracks in the southern zone that were not used to conduct thoroughbred race meetings in the southern zone prior to 2012. This bill contains other related provisions and other existing laws.

**[AB 1077 \(Muratsuchi D\) Sales and use taxes: vehicle license fee: alternative fuel motor vehicles.](#)**

**Introduced:** 2/22/2013

**Last Amended:** 6/15/2013

**Status:** 7/3/2013-In committee: Set, first hearing. Referred to APPR. suspense file.

**Location:** 7/3/2013-A. APPR. SUSPENSE FILE

**Summary:**

Would, on and after January 1, 2014, and before January 1, 2022, exempt from sales and use taxes, that portion of the gross receipts from the sale of, and that portion of the sales price with respect to the storage, use, or other consumption of, a qualified motor vehicle, as defined, that is the greater of (1) the sum of the amount of any credit under a specified provision of the Internal Revenue Code relating to new qualified plug-in electric drive motor vehicles, and any amount received, awarded, or allowed pursuant to a state incentive program for the purchase or lease of an alternative fuel vehicle; or (2) the value of a motor vehicle that is traded in for the motor vehicle that qualifies for a credit or incentive amount under those programs, if the value of the trade-in motor vehicle is separately stated on the new motor vehicle invoice or bill of sale or similar document provided to the purchaser. This bill contains other related provisions and other existing laws.

**[AB 1078 \(Quirk D\) Water: water recycling technology.](#)**

**Introduced:** 2/22/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/22/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Current law provides that the Department of Water Resources operates the State Water Project and exercises specified water planning functions. Current law also requires the department to update The California Water Plan, which is a plan for the conservation, development, and use of the water resources of the state. Under current law, various provisions regulate water recycling. This bill would state the intent of the Legislature to enact legislation to encourage the creation of new technologies to further the use of recycled water in the state.

**[AB 1080 \(Alejo D\) Community Revitalization and Investment Authorities.](#)**

**Introduced:** 2/22/2013

**Last Amended:** 8/20/2013

**Status:** 8/30/2013-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/26/2013)

**Location:** 8/30/2013-S. 2 YEAR

**Summary:**

Would authorize certain public entities of a community revitalization and investment area, as described, to form a community revitalization plan within a community revitalization and investment authority (authority) to carry out the Community Redevelopment Law in a specified manner. The bill would require the authority to adopt a community revitalization plan for a community revitalization

and investment area and authorize the authority to include in that plan a provision for the receipt of tax increment funds. This bill contains other existing laws.

**[AB 1092 \(Levine D\)](#) Building standards: electric vehicle charging infrastructure.**

**Introduced:** 2/22/2013

**Last Amended:** 6/10/2013

**Status:** 9/28/2013-Chaptered by Secretary of State - Chapter 410, Statutes of 2013.

**Location:** 9/28/2013-A. CHAPTERED

**Summary:**

Would require the California Building Standards Commission, commencing with the next triennial edition of the California Building Standards Code adopted after January 1, 2014, to adopt, approve, codify, and publish mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development. The bill would require the Department of Housing and Community Development to propose mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and submit the proposed mandatory building standards to the commission for consideration.

**[AB 1104 \(Salas D\)](#) Energy: net energy metering.**

**Introduced:** 2/22/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/22/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Current law requires all electric service providers to develop a standard contract or tariff providing for net energy metering, and to make this contract available to eligible customer generators, upon request. This bill would make a technical, nonsubstantive change to the above provision.

**[AB 1108 \(Perea D\)](#) Sex offenders: foster care homes: prohibitions.**

**Introduced:** 2/22/2013

**Last Amended:** 9/3/2013

**Status:** 10/12/2013-Chaptered by Secretary of State - Chapter 772, Statutes of 2013.

**Location:** 10/12/2013-A. CHAPTERED

**Summary:**

Would, subject to exception, prohibit any person who is required to register as a sex offender, based upon the commission of an offense against a minor, from residing, working, or volunteering in specified foster homes or facilities, as provided. The bill would provide that violation of the prohibition is a misdemeanor. This bill contains other related provisions and other existing laws.



**AB 1131 (Skinner D) Firearms.**

**Introduced:** 2/22/2013

**Last Amended:** 9/4/2013

**Status:** 10/11/2013-Chaptered by Secretary of State - Chapter 747, Statutes of 2013.

**Location:** 10/11/2013-A. CHAPTERED

**Summary:**

Current law prohibits a person from possessing a firearm or deadly weapon for a period of 6 months whenever he or she communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims. This bill would increase the prohibitory period from 6 months to 5 years. By increasing the scope of an existing crime, this bill would impose a state-mandated local program. This bill would revise the provisions allowing a person to petition the court for an order that would allow him or her to possess a firearm to conform with other provisions of existing law. This bill contains other related provisions and other existing laws.

**AB 1142 (Bloom D) State beaches and parks: smoking ban.**

**Introduced:** 2/22/2013

**Last Amended:** 3/21/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was G.O. on 4/25/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Current law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area. This bill would make it an infraction for a person to smoke, as defined, a pipe, cigar, or cigarette on a state coastal beach or in a unit of the state park system, as defined. The bill would establish a state-mandated local program by creating a new crime. This bill contains other related provisions and other current laws.

**AB 1158 (Waldron R) Vehicles: on-street parking for electric vehicles.**

**Introduced:** 2/22/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was TRANS. on 3/7/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Current law authorizes local authorities to adopt rules and regulations by ordinance or resolution regarding specified matters, including, among other things, regulating or authorizing the removal by peace officers of vehicles unlawfully parked in a fire lane or on private property. This bill would expressly authorize local authorities to



adopt rules and regulations by ordinance or resolution regarding designating and enforcing on-street parking spaces for electric vehicles.

**[AB 1163 \(Levine D\)](#) Public Employees' Retirement System: Board of Administration: composition.**

**Introduced:** 2/22/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was P.E.,R. & S.S. on 3/7/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would revise the composition of the Board of Administration of PERS. The bill would eliminate the position of the member of the State Personnel Board and would replace that position with the Director of Finance. The bill would add to the board 2 persons, appointed by the Governor, who are independent, as defined, and have financial expertise. This provision would not become operative unless ratified by a majority of voters at a statewide election. The bill would require the Secretary of State to submit that provision of the bill to the voters at the next statewide election.

**[AB 1175 \(Bocanegra D\)](#) Public employee benefits: postemployment health care.**

**Introduced:** 2/22/2013

**Last Amended:** 3/21/2013

**Status:** 7/12/2013-Failed Deadline pursuant to Rule 61(a)(10)(SEN). (Last location was G. & F. on 6/6/2013)

**Location:** 7/12/2013-S. 2 YEAR

**Summary:**

Would , if the governing board of the designated local authority for the former redevelopment agency within the County of Los Angeles acts to dissolve that authority, require the governing board to identify the entity responsible for assuming the enforceable obligation of the authority for the amount necessary to fully compensate for the postretirement health benefit costs of specified personnel . This bill contains other related provisions.

**[AB 1193 \(Ting D\)](#) Bikeways.**

**Introduced:** 2/22/2013

**Last Amended:** 4/25/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 4/29/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Current law requires all city, county, regional, and other local agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted to utilize all minimum safety design criteria and uniform specifications

and symbols for signs, markers, and traffic control devices established pursuant to law regarding bicycle travel and bicycle traffic related matters. This bill would prohibit the Department of Transportation from denying funding to a project because it is excepted pursuant to these procedures. This bill contains other existing laws.

**[AB 1194 \(Ammiano D\) Safe Routes to School Program.](#)**

**Introduced:** 2/22/2013

**Last Amended:** 5/24/2013

**Status:** 7/12/2013-Failed Deadline pursuant to Rule 61(a)(10)(SEN). (Last location was T. & H. on 6/13/2013)

**Location:** 7/12/2013-S. 2 YEAR

**Summary:**

Would provide that the Safe Routes to School Program may fund both construction and noninfrastructure activities, as specified. The bill would require 20% of program funds to be used for noninfrastructure activities, as specified. The bill would authorize the transfer of the responsibility for selecting projects and awarding grants from the Department of Transportation to the California Transportation Commission, at the discretion of the Transportation Agency. The bill would require the Department of Transportation to employ a full-time coordinator to administer the program.

**[AB 1205 \(Wieckowski D\) Mobilehome Residency Law: mediation program.](#)**

**Introduced:** 2/22/2013

**Last Amended:** 4/8/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 4/9/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would enact the Mobilehome Residency Law Mediation Act within the MRL to establish a mediation program for alleged violations of the MRL, including investigation of alleged violations of the MRL and determination and notice of violations, to be administered by an unspecified department. The bill would establish the Mobilehome Residency Law Mediation Fund, for funds collected by the Department of Housing and Community Development pursuant to the bill. The bill would impose a unspecified monetary assessment on owners of mobilehome parks, and would authorize an owner to impose an unspecified portion of that assessment on homeowners .

**[AB 1214 \(Muratsuchi D\) Regional occupational centers and programs: funding.](#)**

**Introduced:** 2/22/2013

**Last Amended:** 5/6/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 5/24/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Would require a regional occupational center or program established and maintained by school districts or a joint powers authority, as specified, to receive an annual appropriation from the General Fund for purposes of providing career technical education services. The bill would require the appropriated funds to be apportioned directly to the regional occupational center or program based on a formula agreed upon by the school districts participating in the regional occupational center or program .

**[AB 1228 \(V. Manuel Pérez D\) Electricity: eligible fuel cell customer-generators.](#)**

**Introduced:** 2/22/2013

**Last Amended:** 4/24/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was U. & C. on 4/25/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would increase the capacity of a fuel cell electrical generating facility to not more than 3 megawatts. The bill would prohibit the net rate at which electricity fed back to the electrical grid by an eligible fuel cell customer-generator using a fuel cell electrical generating facility with a capacity of more than one megawatt from exceeding one megawatt. This bill contains other related provisions and other existing laws.

**[AB 1232 \(V. Manuel Pérez D\) Developmental services: quality assessment system.](#)**

**Introduced:** 2/22/2013

**Last Amended:** 8/22/2013

**Status:** 10/9/2013-Chaptered by Secretary of State - Chapter 679, Statutes of 2013.

**Location:** 10/9/2013-A. CHAPTERED

**Summary:**

The State Department of Developmental Services is required to contract with an independent agency or organization that is, in part, experienced in designing valid quality assurance instruments, to implement the system. This bill would require the quality assurance instrument to assess the provision of services in a linguistically and culturally competent manner and include outcome-based measures to evaluate the linguistic and cultural competency of regional center services that are provided to consumers across their lifetime. This bill would require the independent agency or organization the department contracts with to be experienced in issues relating to linguistic and cultural competency.

**[AB 1233 \(Chesbro D\) Medi-Cal: Administrative Claiming process.](#)**

**Introduced:** 2/22/2013

**Last Amended:** 7/2/2013

**Status:** 9/9/2013-Chaptered by Secretary of State - Chapter 306, Statutes of 2013.

**Location:** 9/9/2013-A. CHAPTERED

**Summary:**

Would authorize a Native American Indian tribe, a tribal organization, or a subgroup of a Native American Indian tribe or tribal organization to claim, as a Medi-Cal Administrative Activity, facilitating Medi-Cal applications, which includes, but is not limited to, using the California Healthcare Eligibility, Enrollment, and Retention System. This bill contains other related provisions.

**[AB 1293 \(Bloom D\) Courts.](#)**

**Introduced:** 2/22/2013

**Last Amended:** 7/2/2013

**Status:** 9/27/2013-Chaptered by Secretary of State - Chapter 382, Statutes of 2013.

**Location:** 9/27/2013-A. CHAPTERED

**Summary:**

The Uniform Civil Fees and Standard Fee Schedule Act of 2005 establishes certain uniform filing fees for probate proceedings, including, among others, the first petition for letters of administration or letters testamentary. This bill would, until January 1, 2019, establish a filing fee of \$40 for a request for special notice, as specified, and would require that this fee be in addition to any other fee charged for a paper filed concurrently with a request for special notice.

**[AB 1295 \(Hernández, Roger D\) Public utilities: renewable energy: community renewables option.](#)**

**Introduced:** 2/22/2013

**Last Amended:** 6/25/2013

**Status:** 7/12/2013-Failed Deadline pursuant to Rule 61(a)(10)(SEN). (Last location was E. U., & C. on 6/25/2013)

**Location:** 7/12/2013-S. 2 YEAR

**Summary:**

Would require an electrical corporation to provide a community renewables option , as specified, allowing a subscribing customer's bill be adjusted to reflect the customer's subscription in the output of a community renewables facility. The bill would require the Public Utilities Commission to authorize the tariff for community renewables option by July 1, 2014. The bill would, on and after January 1, 2016, require the commission to evaluate the demand for the community renewables option. If the commission finds that the community renewables option should be discontinued, the bill would make the above provisions inoperative. This bill contains other existing laws.

**[AB 1299 \(Bradford D\)](#) Telecommunications: universal service programs: California Advanced Services Fund.**

**Introduced:** 2/22/2013

**Last Amended:** 9/6/2013

**Status:** 10/3/2013-Chaptered by Secretary of State - Chapter 507, Statutes of 2013.

**Location:** 10/3/2013-A. CHAPTERED

**Summary:**

Would establish the Broadband Public Housing Account within the CASF and would authorize the Public Utilities Commission to transfer \$20,000,000 from the Broadband Infrastructure Grant Account and \$5,000,000 from the Broadband Revolving Loan Account to the Broadband Public Housing Account if the commission is otherwise authorized to collect funds for purposes of the CASF in excess of the \$225,000,000 the commission is authorized to collect through December 31, 2015, under existing law. The bill would authorize not more than \$20,000,000 from the Broadband Public Housing Account be available for grants and loans to a publicly supported community, as defined, to finance a project to connect a broadband network to that publicly supported community.

**[AB 1315 \(John A. Pérez D\)](#) California Green Collar Jobs Act of 2008: Green Collar Jobs Council.**

**Introduced:** 2/22/2013

**Last Amended:** 9/5/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/10/2013)

**Location:** 9/13/2013-A. 2 YEAR

**Summary:**

This bill would add the Speaker of the Assembly and the President Pro Tempore of the Senate as members of the California Workforce Investment Board and the Green Collar Jobs Council. The bill would instead authorize the council membership to include representatives from other state agencies, higher education, local workforce investment boards, industry representatives, and philanthropic, nongovernmental, and environmental groups, as appropriate.

**[AB 1320 \(Bloom D\)](#) Redevelopment: allocation of property tax: passthrough payments.**

**Introduced:** 2/22/2013

**Last Amended:** 4/10/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 4/17/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Current law establishes a public school financing system that requires funding for each county superintendent of schools and school district to be calculated pursuant

to a revenue limit, as specified, and requires the revenue limit and general-purpose entitlement for a school entity to be composed of, among other things, certain types of revenues, including ad valorem property tax revenues. This bill would provide that a specified amount of ad valorem property tax revenues allocated to a school entity, defined with reference to former passthrough payments made by a redevelopment agency, will not be included as ad valorem property tax revenues counted against the revenue limit for that entity.

**[AB 1328 \(Linder R\)](#) Vehicles: offstreet parking: electric vehicles.**

**Introduced:** 2/22/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/22/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Current law authorizes a local authority, by ordinance or resolution, and a person in lawful possession of an offstreet parking facility, to designate stalls or spaces in an offstreet parking facility owned or operated by that local authority or person for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes. Current law also authorizes the removal of a vehicle from an offstreet parking facility if the vehicle is not connected for electric charging purposes. This bill would make a technical, nonsubstantive change in these provisions.

**[AB 1331 \(Rendon D\)](#) Climate Change Response for Clean and Safe Drinking Water Act of 2014.**

**Introduced:** 2/22/2013

**Last Amended:** 9/11/2013

**Status:** 9/11/2013-Senate Rule 29.3 suspended. (Ayes 24. Noes 7. Page 2353.) From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W.

**Location:** 9/11/2013-S. N.R. & W.

**Summary:**

Current law, the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. Current law provides for the submission of the bond act to the voters at the November 4, 2014, statewide general election. This bill would repeal these provisions. This bill contains other related provisions and other current laws.

**[AB 1334 \(Conway R\)](#) Parole.**

**Introduced:** 2/22/2013

**Last Amended:** 4/9/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 4/30/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would require any person who has been released after serving a term for an offense for which the person is required to register as a sex offender to be subject to parole supervision by the Department of Corrections and Rehabilitation. The bill would also require that a person released from state prison who has a prior conviction or juvenile adjudication for which the person is required to register as a sex offender to be subject to parole supervision by the Department of Corrections and Rehabilitation and the jurisdiction of the court in the county in which the person is released or resides.

**AB 1347 (Gray D) Horse racing: out-of-state thoroughbred races.**

**Introduced:** 2/22/2013

**Last Amended:** 9/6/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2013)

**Location:** 9/13/2013-S. 2 YEAR

**Summary:**

Current law, the total number of thoroughbred races imported by associations or fairs on a statewide basis shall not exceed 50 per day on days when live thoroughbred or fair racing is being conducted in the state, with the exception of prescribed races, including races imported that are part of the race card of the Kentucky Derby, the Kentucky Oaks, the Preakness Stakes, the Belmont Stakes, the Jockey Club Gold Cup, the Travers Stakes, the Arlington Million, the Breeders' Cup, the Dubai Cup, the Arkansas Derby, or the Haskell Invitational. This bill would also exempt from the 50 race per day limitation, races imported that are part of the race card of the Wood Memorial.

**AB 1350 (Hernández, Roger D) Electricity: direct transactions.**

**Introduced:** 2/22/2013

**Last Amended:** 4/15/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was U. & C. on 4/16/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would require the Public Utilities Commission to adopt and implement a schedule that implements a second phase-in period for expanding direct transactions, as specified, over a reasonable time commencing not later than July 1, 2014. The bill would establish as a condition precedent to the second phase-in of the expansion of direct transactions that the commission find that other providers supplying electricity through a direct transaction are procuring eligible renewable energy resources sufficient to meet their procurement requirements pursuant to the



California Renewables Portfolio Standard Program. This bill contains other related provisions and other existing laws.

**[AB 1354 \(Chávez R\)](#) Public utilities: net-energy metering.**

**Introduced:** 2/22/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/22/2013)

**Location:** 5/10/2013-A. 2 YEAR

**Summary:**

Current law, relative to private energy producers, requires every electric utility, as defined, to make available to an eligible customer-generator, as defined, a standard contract or tariff for net energy metering on a first-come-first-served basis until the time that the total rated generating capacity used by eligible customer-generators exceeds 5% of the electric utility's aggregate customer peak demand. This bill would make various nonsubstantive changes to this requirement.

**[AB 1362 \(Ting D\)](#) Education technology.**

**Introduced:** 2/22/2013

**Last Amended:** 3/21/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was U. & C. on 4/1/2013)

**Location:** 5/3/2013-A. 2 YEAR

**Summary:**

Would define "digital divide project" to include the teaching of computer programming and digital literacy skills to youth from underprivileged communities and underrepresented populations in technology careers. This bill contains other existing laws.

**[AB 1373 \(John A. Pérez D\)](#) Workers' compensation: firefighters and peace officers.**

**Introduced:** 2/22/2013

**Last Amended:** 8/26/2013

**Status:** 10/13/2013-Vetoed by the Governor

**Location:** 10/13/2013-A. VETOED

**Summary:**

Would provide that certain proceedings related to the collection of death benefits of firefighters and peace officers may be commenced within, but no later than, 480 weeks from the date of injury and in no event more than one year after the date of death if all of the specified criteria are met, including, but not limited to, that the employee's death is the result of a specified injury.



**[AB 1375 \(Chau D\)](#) California Global Warming Solutions Act of 2006: market-based compliance mechanisms: Clean Technology Investment Account.**

**Introduced:** 2/22/2013

**Last Amended:** 5/7/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 5/8/2013)

**Location:** 5/24/2013-A. 2 YEAR

**Summary:**

Would create the Clean Technology Investment Account within the Greenhouse Gas Reduction Fund and would require the Legislature to annually appropriate moneys from the Greenhouse Gas Reduction Fund into the Clean Technology Investment Account. This bill would make those moneys available to the state board for the purposes of accelerating the development, demonstration, and deployment of clean technologies that will reduce greenhouse gas emissions and foster job creation in the state. The bill would require the implementation of these provisions be contingent on the appropriation of moneys by the Legislature for these purposes.

**[AB 1390 \(Committee on Agriculture\)](#) Milk products: pasteurization: goat milk.**

**Introduced:** 3/4/2013

**Last Amended:** 4/16/2013

**Status:** 8/13/2013-Chaptered by Secretary of State - Chapter 107, Statutes of 2013.

**Location:** 8/13/2013-A. CHAPTERED

**Summary:**

Current law requires that all market milk and market milk products, and all milk for manufacturing purposes and manufactured milk products, be pasteurized at the plant where those products are processed and packaged. This bill would exempt from the above provision goat milk cheese produced at a licensed milk products plant that is manufactured from curds made from goat milk that has been pasteurized, ultrapasteurized, or aseptically processed at certain milk products plants. The bill would also make a technical change by deleting an obsolete provision.

**[ACR 15 \(Chesbro D\)](#) Wineries: leadership.**

**Introduced:** 2/12/2013

**Last Amended:** 4/4/2013

**Status:** 4/22/2013-Chaptered by Secretary of State - Res. Chapter 20, Statutes of 2013.

**Location:** 4/22/2013-A. CHAPTERED

**Summary:**

The Legislature proclaims April 2013 as the time to celebrate the sustainable leadership of California wineries and winegrape growers with the theme, "California Wines: Down to Earth" month, timed to Earth Day on April 22.

**[HR 9 \(Daly D\)](#) Relative to historic vineyards.**

**Introduced:** 2/20/2013

**Last Amended:** 4/15/2013

**Status:** 4/15/2013-Read. Amended. Adopted. (Page 913.).

**Location:** 4/15/2013-A. ADOPTED

**Summary:**

That the Assembly recognizes the contribution of California's living historic vineyards to the agricultural and social heritage of the state as well as to the enjoyment of wine enthusiasts throughout California and the world.

**[SB 1 \(Steinberg D\)](#) Sustainable Communities Investment Authority.**

**Introduced:** 12/3/2012

**Last Amended:** 9/3/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/12/2013)

**Location:** 9/13/2013-S. 2 YEAR

**Summary:**

Would authorize certain public entities of a Sustainable Communities Investment Area to form a Sustainable Communities Investment Authority (authority) to carry out the Community Redevelopment Law in a specified manner. The bill would require the authority to adopt a Sustainable Communities Investment Plan for a Sustainable Communities Investment Area and authorize the authority to include in that plan a provision for the receipt of tax increment funds provided that certain economic development and planning requirements are met. This bill contains other related provisions and other existing laws.

**[SB 11 \(Pavley D\)](#) Alternative fuel and vehicle technologies: funding programs.**

**Introduced:** 12/3/2012

**Last Amended:** 9/6/2013

**Status:** 9/11/2013-Set, first hearing. Hearing canceled at the request of author.

**Location:** 9/9/2013-A. TRANS.

**Summary:**

Would require the state board, in consultation with the Bureau of Automotive Repair and no later than June 30, 2015, to update the guidelines for the enhanced fleet modernization program to include specified elements and to study and consider specified elements. The bill, in addition, would establish compensation for replacement vehicles for low-income vehicle owners at not less than \$2,500 and would make this compensation available to an owner in addition to the compensation for a retired vehicle. This bill contains other related provisions and other existing laws.

**[SB 33 \(Wolk D\)](#) Infrastructure financing districts: voter approval: repeal.**

**Introduced:** 12/3/2012

**Last Amended:** 8/26/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2013)

**Location:** 9/13/2013-A. 2 YEAR

**Summary:**

Would authorize a newly created public financing authority, consisting of 5 members, 3 of whom are members of the city council or board of supervisors that established the district, and 2 of whom are members of the public, to adopt the infrastructure financing plan, subject to approval by the legislative body, and issue bonds by majority vote of the authority by resolution. The bill would authorize a public financing authority to enter into joint powers agreements with affected taxing entities with regard to nontaxing authority or powers only. This bill contains other related provisions and other existing laws.

**SB 38 (De León D) Firearms: prohibited persons.**

**Introduced:** 12/5/2012

**Last Amended:** 8/6/2013

**Status:** 8/30/2013-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2013)

**Location:** 8/30/2013-A. 2 YEAR

**Summary:**

Would, no later than January 1, 2015, require the Department of Justice to establish a 30-day amnesty period during which a person prohibited from possessing a firearm may surrender his or her firearms to a local law enforcement agency without being charged with illegal possession of a firearm, except as specified. The bill would require the department to provide written notification of the amnesty period to prohibited persons who are eligible to participate in the amnesty period, and would require the notification to include certain information. This bill contains other related provisions and other existing laws.

**SB 39 (De León D) Local agencies: public officers: claims and liability.**

**Introduced:** 12/5/2012

**Last Amended:** 9/10/2013

**Status:** 10/12/2013-Chaptered by Secretary of State - Chapter 775, Statutes of 2013.

**Location:** 10/12/2013-S. CHAPTERED

**Summary:**

Would require the forfeiture of a contractual, common law, constitutional, or statutory claim against a local public agency employer to retirement or pension rights or benefits, as specified, by a local public officer who exercised discretionary authority and who was convicted of a felony for conduct arising out of, or in the performance of, his or her official duties. The bill would also make a statement of findings. This bill contains other related provisions.

**[SB 42 \(Wolk D\)](#) Safe Drinking Water, Water Quality, and Flood Protection Act of 2014.**

**Introduced:** 12/11/2012

**Last Amended:** 9/11/2013

**Status:** 9/11/2013-Senate Rule 29.3(b) suspended. (Ayes 25. Noes 5. Page 2341.) From committee with author's amendments. Read second time and amended. Re-referred to Com. on NAT. RES.

**Location:** 9/11/2013-A. NAT. RES.

**Summary:**

Current law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. Current law provides for the submission of the bond act to the voters at the November 4, 2014, statewide general election. This bill would repeal these provisions. This bill contains other related provisions and other current laws.

**[SB 57 \(Lieu D\)](#) Electronic monitoring: removing or disabling GPS device: offense.**

**Introduced:** 1/7/2013

**Last Amended:** 9/3/2013

**Status:** 10/12/2013-Chaptered by Secretary of State - Chapter 776, Statutes of 2013.

**Location:** 10/12/2013-S. CHAPTERED

**Summary:**

Would prohibit a person who is required to register as a sex offender and who is subject to parole supervision from removing, as specified, an electronic, GPS, or other monitoring device affixed as a condition of parole. Upon a violation of the provision, the bill would require the parole authority to revoke the person's parole and impose a mandatory, 180-day period of incarceration. This bill contains other related provisions and other existing laws.

**[SB 105 \(Steinberg D\)](#) Corrections.**

**Introduced:** 1/10/2013

**Last Amended:** 9/9/2013

**Status:** 9/12/2013-Chaptered by Secretary of State - Chapter 310, Statutes of 2013.

**Location:** 9/12/2013-S. CHAPTERED

**Summary:**

Current law requires the Department of Corrections and Rehabilitation to close the California Rehabilitation Center located in Norco, California, no later than either December 31, 2016, or 6 months after the construction of three Level II dorm facilities. This bill would suspend this requirement pending a review by the

Department of Finance and the Department of Corrections and Rehabilitation that determines the facility can be closed. This bill contains other related provisions and other current laws.

**SB 118 (Lieu D) Unemployment insurance: education and workforce investment systems.**

**Introduced:** 1/17/2013

**Last Amended:** 8/13/2013

**Status:** 10/4/2013-Chaptered by Secretary of State - Chapter No. 562, Statutes of 2013

**Location:** 10/4/2013-S. CHAPTERED

**Summary:**

Would provide that the California Workforce Investment Board is also responsible for assisting the Governor in the alignment of the education and workforce investment systems to the needs of the 21st century workforce and the promotion and development of a well-educated and highly skilled 21st century economy and workforce. This bill contains other related provisions and other existing laws.

**SB 124 (Corbett D) Public contracts: bid preferences: clean energy.**

**Introduced:** 1/18/2013

**Last Amended:** 8/5/2013

**Status:** 8/30/2013-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2013)

**Location:** 8/30/2013-A. 2 YEAR

**Summary:**

Would authorize a public agency, including, but not limited to, the Trustees of the California State University, to award a contract based on the fact that a clean energy device, technology, or system was manufactured in the state if the contract is an energy service contract determined to be in the best interest of the public agency. The bill would, until January 1, 2020, require state agencies and the Trustees of the California State University that accept bids or proposals for a contract for the purchase or installation of a clean energy device, technology, or system, as defined, to provide a 5% preference to a bidder that certifies that all of the parts of the clean energy device, technology, or system to be installed have been manufactured in the state, in accordance with specified criteria.

**SB 163 (Hueso D) Developmental services: health insurance payments.**

**Introduced:** 2/1/2013

**Last Amended:** 4/25/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/23/2013)

**Location:** 5/24/2013-S. 2 YEAR

**Summary:**

Would require a regional center to pay any applicable copayment, coinsurance, or deductible imposed by a health insurance policy or health care service plan for a service or support required by a consumer's IPP or IFSP, as specified. This bill would prohibit a regional center from imposing on the consumer or his or her family a share of cost for, or income requirements relating to, those payments, and from seeking reimbursement for those payments. This bill would require the department to establish appropriate application and documentation forms to implement those provisions.

**SB 178 (Correa D) Mobilehomes.**

**Introduced:** 2/6/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 2/14/2013)

**Location:** 5/10/2013-S. 2 YEAR

**Summary:**

Current law, the Mobilehome Residency Law, governs tenancies in mobilehome parks, and imposes various duties on the owners of mobilehome parks and the agents and representatives authorized to act on behalf of the owners. This bill would make a nonsubstantive change to these provisions.

**SB 179 (Roth D) Mortgage loan originators.**

**Introduced:** 2/6/2013

**Last Amended:** 3/19/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was B. & F. I. on 3/21/2013)

**Location:** 5/3/2013-S. 2 YEAR

**Summary:**

Would except from the definition of mortgage loan originator an individual who originates 5 or fewer residential mortgage loans secured by a manufactured home or mobilehome, as defined, in any 12-consecutive-month period.

**SB 180 (Roth D) Mobilehomes: sales: registration cards.**

**Introduced:** 2/6/2013

**Last Amended:** 3/11/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was T. & H. on 3/11/2013)

**Location:** 5/10/2013-S. 2 YEAR

**Summary:**

Current law requires every registered owner of a manufactured home or mobilehome, upon receipt of a registration card, to maintain the card or a copy thereof with the manufactured home, mobilehome, commercial coach, truck camper, or floating home for which it is issued. This bill would require these registration

cards to be in 2 parts, with one part to be retained in the vehicle and the other part, as specified, to be submitted to the operator of the mobilehome park, if the vehicle is located in a mobilehome park.

**[SB 184](#) (Committee on Governance and Finance) Local government: omnibus bill.**

**Introduced:** 2/6/2013

**Last Amended:** 8/8/2013

**Status:** 9/6/2013-Chaptered by Secretary of State - Chapter 210, Statutes of 2013.

**Location:** 9/6/2013-S. CHAPTERED

**Summary:**

Current law requires any person who intends to offer subdivided lands within this state for sale or lease to file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire, as specified. This bill would specify that a lot, parcel, or unit satisfies the requirement that it be improved with a completed residential structure if it is improved with a completed residential structure at the time it is conveyed by the subdivider. This bill contains other related provisions and other existing laws.

**[SB 196](#) (Cannella R) Utility rates: mobilehomes and apartment buildings.**

**Introduced:** 2/7/2013

**Last Amended:** 6/25/2013

**Status:** 8/28/2013-Chaptered by Secretary of State - Chapter 201, Statutes of 2013.

**Location:** 8/28/2013-S. CHAPTERED

**Summary:**

Would require a master-meter customer to post in a conspicuous place, the specific current residential utility rate as published by the serving utility. The bill would authorize a master-meter customer in a mobilehome park, apartment building, or similar residential complex, as specified, to also post the Internet Web site address of the specific current residential utility rate schedule if it also provides a copy of the schedule, upon request, at no cost, and states in the posting that an individual user may request a copy of the rate schedule from the master-meter customer.

**[SB 197](#) (Evans D) Commercial fishing: commercial fishing salmon stamp.**

**Introduced:** 2/7/2013

**Last Amended:** 9/3/2013

**Status:** 9/26/2013-Chaptered by Secretary of State - Chapter 368, Statutes of 2013.

**Location:** 9/26/2013-S. CHAPTERED

**Summary:**

Current law requires the Department of Fish and Game to issue a commercial fishing salmon stamp, upon application for the stamp and payment of a base fee of \$85. That base fee is required to be adjusted during specified commercial salmon seasons. Current law prohibits the total fees, as adjusted, from exceeding \$260. The



bill would extend the operation of these provisions until January 1, 2019, would recast them to replace references to the Commercial Salmon Stamp Account with references to the Commercial Salmon Stamp Dedicated Subaccount, which the bill would establish in the Fish and Game Preservation Fund, and would require the transfer of specified moneys from the Fish and Game Preservation Fund to the new subaccount.

**[SB 208 \(Lara D\)](#) Public social services: contracting.**

**Introduced:** 2/8/2013

**Last Amended:** 9/6/2013

**Status:** 10/8/2013-Chaptered by Secretary of State - Chapter 656, Statutes of 2013.

**Location:** 10/8/2013-S. CHAPTERED

**Summary:**

Current law authorizes a regional center to, among other things, solicit an individual or agency, by requests for proposals (RFPs) or other means, to provide needed services or supports that are not available to achieve the stated objectives of a consumer's IPP. This bill would require an RFP that is prepared by a regional center for consumer services and supports to include a section on issues of equity and diversity, as specified. The bill would require an RFP that applies only to specifically identified consumers to only request information on how the applicant plans to provide culturally and linguistically competent services and supports to those specific consumers. This bill contains other related provisions and other existing laws.

**[SB 215 \(Beall D\)](#) Public employee benefits.**

**Introduced:** 2/11/2013

**Last Amended:** 8/22/2013

**Status:** 10/12/2013-Chaptered by Secretary of State - Chapter 778, Statutes of 2013.

**Location:** 10/12/2013-S. CHAPTERED

**Summary:**

Current law requires the retirement fund of PERS to reimburse an employing agency that employs an elected member of the board of administration and that employs a person to replace the member during attendance at meetings of the board, among other times, for the direct and reasonable costs incurred by employing a replacement. This bill would recast these provisions to provide that the employing agency be reimbursed, as specified, without regard to whether it replaces the elected member. This bill contains other related provisions and other existing laws.

**[SB 239 \(Hernandez D\)](#) Medi-Cal: hospitals: quality assurance fees: distinct part skilled nursing facilities.**

**Introduced:** 2/12/2013



**Last Amended:** 9/11/2013

**Status:** 10/8/2013-Chaptered by Secretary of State - Chapter 657, Statutes of 2013.

**Location:** 10/8/2013-S. CHAPTERED

**Summary:**

Would, subject to federal approval, impose a hospital quality assurance fee, as specified, on certain general acute care hospitals to be deposited into the Hospital Quality Assurance Revenue Fund. This bill would, subject to federal approval, provide that moneys in the Hospital Quality Assurance Revenue Fund shall be continuously appropriated during the first program period of January 1, 2014, to December 31, 2016, inclusive, and available only for certain purposes, including paying for health care coverage for children, as specified, and making supplemental payments for certain services to private hospitals and increased capitation payments to Medi-Cal managed care plans. This bill contains other related provisions and other existing laws.

**[SB 242 \(Wyland R\)](#) Toll collection: alternative technologies.**

**Introduced:** 2/12/2013

**Last Amended:** 4/23/2013

**Status:** 8/16/2013-Failed Deadline pursuant to Rule 61(a)(10)(ASM). (Last location was TRANS. on 7/8/2013)

**Location:** 8/16/2013-A. 2 YEAR

**Summary:**

Would authorize the Department of Transportation and local and regional transportation agencies with existing or planned toll facilities to conduct a pilot project that uses automated toll collection technologies as an alternative to the existing radio-frequency identification tolling technology, in order to identify opportunities to facilitate lower cost tolling infrastructure, lower related operating costs, and more rapid deployment of high-occupancy toll lane networks. The bill would require each participating agency to make a specified report within 4 years of commencement of the pilot project to the Governor and the Legislature .

**[SB 250 \(Wolk D\)](#) Olive Oil Commission of California.**

**Introduced:** 2/12/2013

**Last Amended:** 8/5/2013

**Status:** 9/24/2013-Chaptered by Secretary of State - Chapter 344, Statutes of 2013.

**Location:** 9/24/2013-S. CHAPTERED

**Summary:**

Would create the Olive Oil Commission of California in the state government with a prescribed membership, and would specify the powers, duties, and responsibilities of the commission board of directors. The commission board of directors would be authorized to, among other things, conduct research for specified purposes and recommend to the Secretary of Food and Agriculture olive oil grades and labeling standards. This bill contains other related provisions.

**[SB 257 \(Hancock D\)](#) Coastal resources: physical adaptations to climate change.**

**Introduced:** 2/13/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 2/21/2013)

**Location:** 5/10/2013-S. 2 YEAR

**Summary:**

The California Coastal Act of 1976 requires the California Coastal Commission to implement and administer various coastal protection programs in the state, and requires any person undertaking development in the coastal zone to obtain a coastal development permit issued by the commission in accordance with prescribed procedures. This bill would declare the intent of the Legislature to enact subsequent legislation that would address the issue of coastal physical adaptations to climate change.

**[SB 279 \(Hancock D\)](#) San Francisco Bay Restoration Authority.**

**Introduced:** 2/14/2013

**Last Amended:** 8/26/2013

**Status:** 10/3/2013-Chaptered by Secretary of State - Chapter 514, Statutes of 2013.

**Location:** 10/3/2013-S. CHAPTERED

**Summary:**

Would specify that a measure proposed by the San Francisco Bay Restoration Authority must be submitted to the voters of the authority in accordance with the provisions of the Elections Code applicable to districts, as specified. This bill would require the authority to file with the board of supervisors of each affected county a resolution requesting consolidation. This bill would require the legal counsel for the authority to prepare, subject to review and revision by a specified county counsel, an impartial analysis of the measure. This bill contains other related provisions and other existing laws.

**[SB 295 \(Emmerson R\)](#) Sexually violent predators: civil commitment.**

**Introduced:** 2/15/2013

**Last Amended:** 6/20/2013

**Status:** 8/27/2013-Chaptered by Secretary of State - Chapter 182, Statutes of 2013.

**Location:** 8/27/2013-S. CHAPTERED

**Summary:**

Would clarify which provisions are to be used when a committed person petitions for conditional release and which provisions are to be used when a committed person petitions for unconditional discharge and would make nonsubstantive, organizational changes to the provisions. The bill would also require the community program director designated by the State Department of State Hospitals to submit a report to the court in response to the petition that makes a recommendation as to the appropriateness of placement of the person in a state-operated forensic

conditional release program before a hearing can be held. This bill contains other related provisions and other existing laws.

**SB 326 (Beall D) Sex offenders.**

**Introduced:** 2/19/2013

**Last Amended:** 5/28/2013

**Status:** 9/9/2013-Chaptered by Secretary of State - Chapter 279, Statutes of 2013.

**Location:** 9/9/2013-S. CHAPTERED

**Summary:**

Current law makes it a misdemeanor for any person who is required to register as a sex offender to come into any school building or upon any school ground without lawful business and written permission from the chief administrative official of the school. This bill would require that the written permission indicate the date or date range and time for which permission is granted. The bill would authorize the chief administrative official of the school to grant a registered sex offender who is not a family member of a pupil who attends that school, permission to come into a school building or upon the school grounds to volunteer at the school, provided that the chief administrative official notifies the parent or guardian of each child attending the school of the permission, as specified.

**SB 355 (Beall D) Conservation: tax credits.**

**Introduced:** 2/20/2013

**Last Amended:** 5/13/2013

**Status:** 5/23/2013-Held in committee and under submission.

**Location:** 5/23/2013-S. APPR. SUSPENSE FILE

**Summary:**

Would allow for the transfer of the credit allowed pursuant to the Natural Heritage Preservation Tax Credit Act of 2000 from prior years whose carryover period has not expired by the taxpayer to an unrelated party, as provided. This bill contains other related provisions and other existing laws.

**SB 367 (Block D) Developmental services: regional centers: cultural and linguistic competency.**

**Introduced:** 2/20/2013

**Last Amended:** 8/15/2013

**Status:** 10/9/2013-Chaptered by Secretary of State - Chapter 682, Statutes of 2013.

**Location:** 10/9/2013-S. CHAPTERED

**Summary:**

Current law requires the governing board of a regional center to satisfy specified requirements, including annually reviewing the performance of the director of the regional center, and providing necessary training and support to board members. This bill would require that this training and support include issues relating to

linguistic and cultural competency, and would require each regional center to post on its Internet Web site information regarding the training and support provided.

**SB 386 (Correa D) Registered sex offenders: local ordinances.**

**Introduced:** 2/20/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PUB. S. on 2/28/2013)

**Location:** 5/10/2013-S. 2 YEAR

**Summary:**

Current law makes it a misdemeanor for a person who is on parole for specified sex offenses to enter any park where children regularly gather without express permission from the person's parole agent. This bill would state that the Legislature does not preempt local agencies from enacting ordinances that restrict where registered sex offenders may go within a local municipality.

**SB 391 (DeSaulnier D) California Homes and Jobs Act of 2013.**

**Introduced:** 2/20/2013

**Last Amended:** 8/8/2013

**Status:** 8/30/2013-Set, first hearing. Referred to APPR. suspense file. Hearing postponed by committee.

**Location:** 8/30/2013-A. APPR. SUSPENSE FILE

**Summary:**

Would enact the California Homes and Jobs Act of 2013. The bill would make legislative findings and declarations relating to the need for establishing permanent, ongoing sources of funding dedicated to affordable housing development. The bill would impose a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded. By imposing new duties on counties with respect to the imposition of the recording fee, the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

**SB 398 (Galgiani D) Horse racing: distribution of proceeds.**

**Introduced:** 2/20/2013

**Last Amended:** 9/10/2013

**Status:** 10/10/2013-Vetoed by the Governor

**Location:** 10/10/2013-S. VETOED

**Summary:**

Current law requires each licensed racing association, distributions to be made to certain nonprofit corporations and organizations, and requires that at least 20% of the distributions go to charities associated with the horse racing industry. This bill, in addition to those required distributions, would authorize a separate distribution to be made to a nonprofit corporation or trust that has as its sole purpose the

support of recognized fairs or the network of California fairs. This bill contains other related provisions and other existing laws.

**SB 406 (Evans D) Tribal Court Civil Judgment Act.**

**Introduced:** 2/20/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was JUD. on 2/28/2013)

**Location:** 5/3/2013-S. 2 YEAR

**Summary:**

Would exempt Indian tribal judgments from the Uniform Foreign-Country Money Judgments Recognition Act, and would instead enact the Tribal Court Civil Judgment Act. The act would prescribe the procedure for applying for recognition and entry of a judgment based on a tribal court judgment, the procedure and grounds for objecting to the entry of judgment, and the bases upon which the court may refuse to enter the judgment or grant a stay of enforcement. The bill would require the Judicial Council to prescribe a form for the notice of filing the application for recognition of the tribal court judgment, as specified. The bill would require that this application be executed under penalty of perjury, which would expand the scope of the crime of perjury and thus impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**SB 409 (Emmerson R) Disaster recovery project areas: enforceable obligations.**

**Introduced:** 2/20/2013

**Last Amended:** 4/9/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/23/2013)

**Location:** 5/24/2013-S. 2 YEAR

**Summary:**

Would provide that a loan provided by a city, county, or city and county to a redevelopment agency that was entered into prior to January 1, 2011, for the purposes of funding the installation and construction of roadways, public improvements, and public utilities in a disaster recovery project area, and for the provision of residential water system or other utility connection subsidies to low- and moderate-income residents of that project area is an enforceable obligation and may be repaid, as specified. The bill would authorize a city, county, city and county, or housing authority acting in its capacity as the successor to a former redevelopment agency to retain and use those loan proceeds pursuant to the loan agreement and would require the return of any funds previously deposited into the Low and Moderate Income Housing Fund of the former redevelopment agency to the entity that assumed the housing functions of the former redevelopment agency. The bill would also make conforming changes.

**[SB 411 \(Wolk D\)](#) Food labeling: olive oil.**

**Introduced:** 2/20/2013

**Last Amended:** 4/1/2013

**Status:** 8/16/2013-Failed Deadline pursuant to Rule 61(a)(10)(ASM). (Last location was AGRI. on 5/24/2013)

**Location:** 8/16/2013-A. 2 YEAR

**Summary:**

Would require that olive oil be made of oil derived solely from olives grown in the American Viticultural Area that is indicated on the olive oil label. By changing the definition of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**[SB 423 \(Huff R\)](#) San Francisco Bay Area Rapid Transit District: strikes: prohibition.**

**Introduced:** 2/21/2013

**Last Amended:** 9/12/2013

**Status:** 9/12/2013-Senate Rule 29.3(b) suspended. (Page 2432.) From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

**Location:** 9/12/2013-S. RLS.

**Summary:**

Would prohibit public sector transit employees of the San Francisco Bay Area Rapid Transit District from striking if a clause prohibiting striking is an element of a labor contract that an employee or employee organization has agreed to in an expired or previously written labor contract between the employees and the district. This bill contains other related provisions.

**[SB 439 \(Steinberg D\)](#) Medical marijuana.**

**Introduced:** 2/21/2013

**Last Amended:** 8/5/2013

**Status:** 8/16/2013-Failed Deadline pursuant to Rule 61(a)(10)(ASM). (Last location was HEALTH on 8/5/2013)

**Location:** 8/16/2013-A. 2 YEAR

**Summary:**

Would specify that repeated acts of excessively recommending marijuana to a patient for medical purposes constitutes the type of case that the Medical Board of California should prioritize. This bill would add that recommending marijuana to a patient for medical purposes without an appropriate prior examination and medical indication constitutes unprofessional conduct. This bill would also specify that employing, aiding, or abetting, an unlicensed person to engage in the practice of medicine with a cannabis clinic or dispensary to provide recommendations for medical marijuana constitutes unprofessional conduct. This bill contains other related provisions and other existing laws.

**SB 454 (Corbett D) Public resources: electric vehicle charging stations.**

**Introduced:** 2/21/2013

**Last Amended:** 9/3/2013

**Status:** 9/28/2013-Chaptered by Secretary of State - Chapter 418, Statutes of 2013.

**Location:** 9/28/2013-S. CHAPTERED

**Summary:**

Would create the Electric Vehicle Charging Stations Open Access Act, which would prohibit the charging of a subscription fee on persons desiring to use an electric vehicle charging station, as defined, and would prohibit a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified. The bill would require the total actual charges for the use of an electric vehicle charging station to be disclosed to the public at the point of sale. This bill contains other related provisions and other existing laws.

**SB 461 (Leno D) State tide and submerged lands: mineral extraction leases: revenues.**

**Introduced:** 2/21/2013

**Last Amended:** 8/12/2013

**Status:** 8/30/2013-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2013)

**Location:** 8/30/2013-A. 2 YEAR

**Summary:**

Would require that, out of funds deposited into the General Fund, at least \$6,000,000, but no more than \$10,000,000, be deposited into the Coastal Adaptation Fund to the extent that an appropriation for its purposes is included in the annual Budget Act. This bill contains other related provisions.

**SB 468 (Emmerson R) Developmental services: statewide Self-Determination Program.**

**Introduced:** 2/21/2013

**Last Amended:** 9/6/2013

**Status:** 10/9/2013-Chaptered by Secretary of State - Chapter 683, Statutes of 2013.

**Location:** 10/9/2013-S. CHAPTERED

**Summary:**

Would require the State Department of Developmental Services, contingent upon approval of federal funding, to establish and implement a state Self-Determination Program, as defined, that would be available in every regional center catchment area to provide participants and their families, within an individual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPP, in accordance with prescribed requirements. This bill contains other related provisions.



**[SB 481 \(Huff R\)](#) California Public Employees' Pension Reform Act of 2013.**

**Introduced:** 2/21/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 3/11/2013)

**Location:** 5/10/2013-S. 2 YEAR

**Summary:**

The California Public Employees' Pension Reform Act of 2013 (PEPRA) prohibits a public employer offering a defined benefit pension plan from exceeding specified retirement formulas for new members and prohibits an enhancement of a public employee's retirement formula or benefit adopted after January 1, 2013, from applying to service performed prior to the operative date of the enhancement. PEPRA prescribes definitions for the purposes of its provisions. This bill would make a nonsubstantive change to PEPRA.

**[SB 497 \(Walters R\)](#) California Global Warming Solutions Act of 2006: fees.**

**Introduced:** 2/21/2013

**Last Amended:** 4/15/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 5/1/2013)

**Location:** 5/3/2013-S. 2 YEAR

**Summary:**

Would require the State Air Resources Board to freely allocate greenhouse gas emissions allowances to the California State University, the University of California, and private colleges and universities for purposes of any market-based compliance mechanism adopted by the state board. The bill would prohibit the state board from assessing a fee on the California State University, the University of California, or a private college or university for purposes of any program or regulation adopted pursuant to the act.

**[SB 540 \(Wyland R\)](#) Career technical education: recognition certificates.**

**Introduced:** 2/22/2013

**Last Amended:** 6/4/2013

**Status:** 8/19/2013-Vetoed by the Governor

**Location:** 8/19/2013-S. VETOED

**Summary:**

Would authorize a school district or county office of education to award a pupil a career technical education certificate if the pupil meets specified requirements, including satisfactory completion of the equivalent of 4 semester-long career technical education courses, a structured work-based learning experience, and a related culminating project. The bill would prohibit the award of a career technical education certificate awarded under the bill from being construed as equivalent to the award of a high school diploma or as a change to the statutory curriculum or compulsory education requirements.



**[SB 544 \(DeSaulnier D\)](#) Violence prevention.**

**Introduced:** 2/22/2013

**Last Amended:** 4/4/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/23/2013)

**Location:** 5/24/2013-S. 2 YEAR

**Summary:**

Would create the California Violence Prevention Authority within the State Department of Public Health . The authority would be given duties and responsibilities related to the prevention of violence, including, developing a statewide violence prevention plan and coordinating statewide violence prevention efforts. The bill would provide for an advisory committee, as specified, to assist the authority, and would also create the Violence Prevention Fund in the State Treasury. This bill would specify that funding for the authority shall be provided in the annual Budget Act, as specified.

**[SB 555 \(Correa D\)](#) Developmental services: regional centers: individual program plans and individualized family service plans.**

**Introduced:** 2/22/2013

**Last Amended:** 8/15/2013

**Status:** 10/9/2013-Chaptered by Secretary of State - Chapter 685, Statutes of 2013.

**Location:** 10/9/2013-S. CHAPTERED

**Summary:**

Would require a regional center to communicate and provide written materials in the family's native language during the IFSP process. The bill would require the family's native language to be documented in the IFSP. The bill would similarly require a regional center to communicate in the consumer's native language, or, when appropriate, the native language of his or her family, legal guardian, conservator, or authorized representative, during the IPP planning process and to provide alternative communication services, including a copy of the IPP in the native language of the consumer or his or her family, legal guardian, conservator, or authorized representative, or both. This bill contains other related provisions and other existing laws.

**[SB 594 \(Hill D\)](#) Use of public resources.**

**Introduced:** 2/22/2013

**Last Amended:** 9/4/2013

**Status:** 10/12/2013-Chaptered by Secretary of State - Chapter 773, Statutes of 2013.

**Location:** 10/12/2013-S. CHAPTERED

**Summary:**

Would prohibit a nonprofit organization or an officer, employee, or agent of a

nonprofit organization from using, or permitting another to use public resources received from a local agency for campaign activity, as defined, and not authorized by law. This bill would define, among other terms, "public resources" to mean any property or asset owned by a local agency and funds received by a nonprofit organization which have been generated from any activities related to conduit bond financing by those entities subject to specified conduit financing and transparency and accountability provisions, and "nonprofit organization" to mean an entity incorporated under the Nonprofit Corporation Law or a nonprofit organization that qualifies for exempt status under the federal Internal Revenue Code of 1986, except as specified. This bill contains other related provisions and other existing laws.

**SB 599 (Evans D) State parks.**

**Introduced:** 2/22/2013

**Last Amended:** 7/3/2013

**Status:** 8/30/2013-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2013)

**Location:** 8/30/2013-A. 2 YEAR

**Summary:**

Would require the State Park and Recreation Commission to evaluate and assess the Department of Parks and Recreation's proposed capital outlay and infrastructure expenditures, and would require the commission's annual report to identify any budgetary requests of the commission for consideration by the Director of the Department of Parks and Recreation, as specified. The bill, if the department proposes to close a state park on or after the 2014-15 fiscal year, would require the department to first provide notice to the commission 6 months in advance, and would also require the Department of Finance to establish a separate line item in the annual Budget Act for any annual appropriations to the commission proposed by the Governor or appropriated by the Legislature.

**SB 611 (Hill D) Correctional facilities: bond financing.**

**Introduced:** 2/22/2013

**Last Amended:** 9/9/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was PUB. S. on 9/11/2013)

**Location:** 9/13/2013-A. 2 YEAR

**Summary:**

Current law authorizes the State Public Works Board to issue revenue bonds, notes, or bond anticipation notes in the amounts of \$445,771,000 and \$774,229,000, in 2 phases, to finance the acquisition, design, and construction, and a reasonable construction reserve, of approved local jail facilities, as specified. This bill would decrease the authorization for revenue bonds, notes, or bond anticipation notes in the first phase from \$445,771,000 to \$365,771,000 and increase the authorization of the 2nd phase from \$774,229,000 to \$854,229,000. This bill contains other related provisions and other existing laws.

**SB 613 (DeSaulnier D) Bay Area Toll Authority.**

**Introduced:** 2/22/2013

**Last Amended:** 8/26/2013

**Status:** 10/5/2013-Chaptered by Secretary of State - Chapter 603, Statutes of 2013.

**Location:** 10/5/2013-S. CHAPTERED

**Summary:**

Would prohibit the Bay Area Toll Authority from purchasing or otherwise acquiring office space and office facilities in addition to the office space and office facilities located at 390 Main Street in San Francisco. This bill contains other related provisions and other existing laws.

**SB 614 (Wolk D) Irrigation districts: directors.**

**Introduced:** 2/22/2013

**Last Amended:** 8/6/2013

**Status:** 8/16/2013-Failed Deadline pursuant to Rule 61(a)(10)(ASM). (Last location was L. GOV. on 8/6/2013)

**Location:** 8/16/2013-A. 2 YEAR

**Summary:**

The Irrigation District Law, with certain exceptions, requires a director of the board of an irrigation district to be a voter and, unless exempted under certain circumstances, a landowner in the district and a resident of the division that the director represents at the time of his or her nomination or appointment and during the director's entire term. This bill would eliminate the circumstances in which a director of the board of an irrigation district may be exempt from the landownership requirement. This bill contains other related provisions and other existing laws.

**SB 622 (Monning D) Taxation: sweetened beverage tax: Children's Health Promotion Fund.**

**Introduced:** 2/22/2013

**Last Amended:** 5/8/2013

**Status:** 5/23/2013-Held in committee and under submission.

**Location:** 5/23/2013-S. APPR. SUSPENSE FILE

**Summary:**

Would, on and after July 1, 2014, and until July 1, 2024, impose a tax on every distributor, as defined, for the privilege of distributing in this state bottled sweetened beverages, at a rate of \$0.01 per fluid ounce and for the privilege of distributing concentrates in this state, either as concentrate or as sweetened beverages derived from that concentrate, at the rate of \$0.01 per fluid ounce of sweetened beverage to be produced from concentrate. The tax would be administered by the State Board of Equalization and would be collected pursuant to

the procedures set forth in the Fee Collection Procedures Law. This bill contains other related provisions and other existing laws.

**SB 628 (Beall D) Infrastructure financing: transit priority projects.**

**Introduced:** 2/22/2013

**Last Amended:** 8/5/2013

**Status:** 8/19/2013-Withdrawn from engrossing and enrolling. Ordered held at the Desk.

**Location:** 8/19/2013-S. DESK

**Summary:**

Would eliminate the requirement of voter approval for the creation of an infrastructure financing district, the issuance of bonds, and the establishment or change of the appropriations limit with respect to a transit priority project. The bill would require a city or county that uses infrastructure financing district bonds to finance its transit priority project to use at least 25% of the associated property tax increment revenues for the purposes of increasing, improving, and preserving the supply of lower and moderate-income housing available in the district and occupied by persons and families of moderate-, low-, very low, and extremely low income. The bill would require the district to implement these affordable housing provisions in accordance with specified provisions of the Community Redevelopment Law, to the extent not inconsistent with the provisions governing infrastructure financing districts.

**SB 651 (Pavley D) Developmental centers and state hospitals.**

**Introduced:** 2/22/2013

**Last Amended:** 9/6/2013

**Status:** 10/10/2013-Chaptered by Secretary of State - Chapter 724, Statutes of 2013.

**Location:** 10/10/2013-S. CHAPTERED

**Summary:**

Would require designated investigators of developmental centers and state hospitals to request a sexual assault forensic medical examination for any resident of a developmental center or any resident of a state hospital, as applicable, who is a victim or is reasonably suspected to be a victim of sexual assault, as defined, performed at an appropriate facility off the grounds of the developmental center or state hospital in accordance with specified provisions. This bill contains other related provisions and other existing laws.

**SB 668 (Fuller R) Tribal gaming: compact ratification.**

**Introduced:** 2/22/2013

**Last Amended:** 6/27/2013

**Status:** 7/11/2013-Chaptered by Secretary of State - Chapter 67, Statutes of 2013.

**Location:** 7/11/2013-S. CHAPTERED

**Summary:**

Would ratify the tribal-state gaming compact entered into between the State of California and the Fort Independence Indian Community of Paiute Indians, executed February 28, 2013. The bill would provide that, in deference to tribal sovereignty, certain actions are not projects for purposes of CEQA. This bill contains other related provisions and other existing laws.

**SB 671 (Monning D) California Coastal Act of 1976: natural shoreline.**

**Introduced:** 2/22/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was N.R. & W. on 3/11/2013)

**Location:** 5/3/2013-S. 2 YEAR

**Summary:**

Current law allows the construction of revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other construction that alters natural shoreline processes when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. This bill would additionally allow construction of those structures when designed to account for sea level rise.

**SB 697 (Evans D) Department of Transportation: sale of excess state highway property.**

**Introduced:** 2/22/2013

**Status:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 3/11/2013)

**Location:** 5/10/2013-S. 2 YEAR

**Summary:**

Current law provides that the Department of Transportation shall have full possession and control of the state highway system and associated real property. Current law, if the department determines that real property, or an interest in the property, acquired for highway purposes is no longer necessary for those purposes, authorizes the department to sell or exchange the property or property interest in the manner and upon terms, standards, and conditions established by the California Transportation Commission, as specified. This bill would make a nonsubstantive change to these provisions.

**SB 706 (Correa D) County prisoners: Community Reintegration and Transitional Status.**

**Introduced:** 2/22/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 5/1/2013)

**Location:** 5/3/2013-S. 2 YEAR

**Summary:**

Would require an individual released from a county jail after serving part or all of a sentence for a felony to be placed on Community Reintegration and Transitional Status for a period of 12 months. The bill would prohibit an individual person on this status from being returned to county jail or subject to any revocation process unless he or she is arrested or convicted of a new offense. The bill would make the individual subject to search or seizure by a peace officer at any time of the day or night, with or without a warrant, and with or without cause. This bill contains other related provisions and other existing laws.

**SB 721 (Padilla D) Horse racing.**

**Introduced:** 2/22/2013

**Last Amended:** 8/5/2013

**Status:** 8/30/2013-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/8/2013)

**Location:** 8/30/2013-A. 2 YEAR

**Summary:**

The Horse Racing Law, generally regulates horse racing and vests the administration and enforcement of the Horse Racing Law in the California Horse Racing Board. Current law defines "proposition parimutuel pool" for purposes of those provisions as the total wagers under the parimutuel system on propositions approved by the board that are based on the results of a live quarter horse or harness horse race or races. This bill would specify that a proposition parimutuel pool also includes the results of a live thoroughbred horse race or races. This bill contains other related provisions and other existing laws.

**SB 726 (Lara D) California Global Warming Solutions Act of 2006: Western Climate Initiative, Incorporated.**

**Introduced:** 2/22/2013

**Last Amended:** 9/11/2013

**Status:** 9/28/2013-Chaptered by Secretary of State - Chapter 420, Statutes of 2013.

**Location:** 9/28/2013-S. CHAPTERED

**Summary:**

Would require the State Air Resources Board to report to the Joint Legislative Budget Committee on specified procurements proposed by the Western Climate Initiative, Incorporated. This bill contains other related provisions and other existing laws.

**SB 731 (Steinberg D) Environment: California Environmental Quality Act.**

**Introduced:** 2/22/2013

**Last Amended:** 9/9/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was L. GOV. on 9/11/2013)

**Location:** 9/13/2013-A. 2 YEAR

**Summary:**

Would provide that aesthetic and parking impacts of a residential, mixed-use residential, or employment center project, as defined, on an infill site, as defined, within a transit priority area, as defined, shall not be considered significant impacts on the environment. The bill would require the Office of Planning and Research to prepare and submit to the Secretary of the Natural Resources Agency, and the secretary to certify and adopt, revisions to the guidelines for the implementation of CEQA establishing thresholds of significance for noise and transportation impacts of projects within transit priority areas. This bill contains other related provisions and other existing laws.

**SB 751 (Yee D) Meetings: publication of action taken.**

**Introduced:** 2/22/2013

**Last Amended:** 6/17/2013

**Status:** 9/6/2013-Chaptered by Secretary of State - Chapter 257, Statutes of 2013.

**Location:** 9/6/2013-S. CHAPTERED

**Summary:**

The Ralph M. Brown Act requires all meetings of the legislative body of a local agency, as defined, to be open and public and prohibits the legislative body from taking action by secret ballot, whether preliminary or final. This bill would additionally require the legislative body of a local agency to publicly report any action taken and the vote or abstention on that action of each member present for the action, thereby imposing a state-mandated local program. This bill contains other related provisions and other current laws.

**SB 760 (Wright D) California Renewables Portfolio Standard Program.**

**Introduced:** 2/22/2013

**Last Amended:** 9/5/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was U. & C. on 9/5/2013)

**Location:** 9/13/2013-A. 2 YEAR

**Summary:**

The California Renewables Portfolio Standard Program requires a retail seller, as defined, and local publicly owned electric utilities to purchase specified minimum quantities of electricity products from eligible renewable energy resources, as defined, for specified compliance periods. This bill would additionally require that the process providing criteria for the rank ordering and selecting of least-cost and best-fit eligible renewable energy resources to comply with the program obligations include procurement of specific types of eligible renewable energy resources necessary to maintain the reliability of the electrical grid to meet electrical demand on a 24-hour basis and consider the attributes of utilizing geothermal and other renewable energy resources, as specified. The bill would require each electrical corporation, in soliciting and procuring eligible renewable energy resources, to



consider the best-fit attributes of resource types that ensure a balanced resource mix to maintain the reliability of the electrical grid. This bill contains other existing laws.

**[SB 792 \(DeSaulnier D\)](#) Regional entities: Bay Area.**

**Introduced:** 2/22/2013

**Last Amended:** 5/14/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/23/2013)

**Location:** 5/24/2013-S. 2 YEAR

**Summary:**

Would require the Metropolitan Transportation Commission to report biannually to the Legislature and the public at large on the progress in implementing the policies and programs of the sustainable communities strategy. The bill would also require the joint policy committee to prepare a regional organization plan for the affected member agencies. The regional organization plan would include a plan for consolidating certain functions that are common to the member agencies. By imposing new duties on the joint policy committee, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**[SB 798 \(De León D\)](#) California Green Infrastructure Bank Act.**

**Introduced:** 2/22/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was G. & F. on 3/11/2013)

**Location:** 5/3/2013-S. 2 YEAR

**Summary:**

Would enact the California Green Infrastructure Bank Act (act). The bill would establish the California Green Infrastructure Bank (bank) as a public corporation and would make it responsible for administering the act. The bill would make the bank under the direction of an executive director to be appointed by the Governor subject to Senate confirmation. This bill contains other related provisions and other existing laws.

**[SB 819 \(Committee on Governmental Organization\)](#) Horse racing: Breeders' Cup World Championship series: payment of purses.**

**Introduced:** 3/14/2013

**Last Amended:** 9/6/2013

**Status:** 9/30/2013-Chaptered by Secretary of State - Chapter 438, Statutes of 2013.

**Location:** 9/30/2013-S. CHAPTERED

**Summary:**

In years that the Breeders' Cup Championship series is conducted at a race meeting in California, current law requires that specified amounts that would have otherwise



been distributed to a purse account be made available to promote and sponsor the Breeders' Cup. This bill would instead specify that those amounts shall be made available to the organization operating the Breeders' Cup Championship series for the purpose of promoting and supporting the Breeders' Cup, including the payment of purses in Breeders' Cup Championship races.

**SCA 3 (Leno D) Public information.**

**Introduced:** 12/3/2012

**Last Amended:** 6/20/2013

**Status:** 9/20/2013-Chaptered by Secretary of State - Chapter No. 123, Statutes of 2013

**Location:** 9/20/2013-S. CHAPTERED

**Summary:**

Would require each local agency to comply with the CPRA and the Brown Act, and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act which contains findings demonstrating that the statutory enactment furthers the purposes of the people's right of access to information concerning the conduct of the people's business. The measure would specifically exempt mandates contained within the scope of those acts, and certain subsequent statutory enactments that contain findings demonstrating that the statutory enactment furthers those same purposes, from the requirement to provide a subvention of funds.

**SJR 11 (DeSaulnier D) Housing with services.**

**Introduced:** 4/29/2013

**Last Amended:** 8/5/2013

**Status:** 8/20/2013-Chaptered by Secretary of State - Res. Chapter 84, Statutes of 2013.

**Location:** 8/20/2013-S. CHAPTERED

**Summary:**

The Legislature applauds methods that promote greater collaboration between affordable housing providers and home and community-based services that divert or delay seniors from institutionalization and encourage aging in place. The Legislature urges the President and Congress of the United States to support housing with services models, innovations, and funding to achieve federal goals of using subsidized housing as a platform for service delivery. The Legislature encourages the President and Congress of the United States to direct the Centers for Medicare and Medicaid to expand Sections 1115 and 1915(c) Medicaid waivers to test and integrate services into affordable housing settings.

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# SONOMA COUNTY



## 2014 STATE AND FEDERAL LEGISLATIVE PROGRAM



**SONOMA COUNTY**  
**BOARD OF SUPERVISORS**

Susan Gorin ..... District 1

David Rabbitt..... District 2

Shirlee Zane..... District 3

Mike McGuire ..... District 4

Efren Carrillo..... District 5

Veronica A. Ferguson.....County Administrator

## **County Staff**

---

Peter Rumble, Deputy County Administrator–Community and Government Affairs  
County of Sonoma  
575 Administration Drive, Suite 104A  
Santa Rosa, CA 95403  
(707) 565-3771  
[peter.rumble@sonoma-county.org](mailto:peter.rumble@sonoma-county.org)

Rebecca Wachsberg, CAO Analyst  
County of Sonoma  
575 Administration Drive, Suite 104A  
Santa Rosa, CA 95403  
(707) 565-3782  
[rebecca.wachsberg@sonoma-county.org](mailto:rebecca.wachsberg@sonoma-county.org)

## **State Advocates**

---

**Peterson Consulting, Inc. – Shaw / Yoder / Antwih, Inc.**  
1415 L Street, Suite 1000  
Sacramento, CA 95814  
(916) 441-4424  
[Petersonconsulting@earthlink.net](mailto:Petersonconsulting@earthlink.net)

## **Federal Advocates**

---

**Alcalde & Fay**  
2111 Wilson Blvd., 8<sup>th</sup> Floor  
Arlington, VA 22201  
(703) 841-0626  
[Schlesinger@Alcalde-Fay.com](mailto:Schlesinger@Alcalde-Fay.com)

**Madison Government Affairs, Inc.**  
444 North Capitol Street, NW  
Washington, DC 20001  
(202) 347-1223  
[jack@madisongov.net](mailto:jack@madisongov.net)

## Sonoma County Legislative State Delegations

|   |  |
|---|--|
| Governor Jerry Brown (D)<br>Governor of California<br>State Capitol Building<br>Sacramento, CA 95814<br><br>Phone: (916) 445-2841<br>Fax: (916) 445-4633                            | Email: <a href="http://www.govmail.ca.gov">www.govmail.ca.gov</a><br>Website: <a href="http://www.gov.ca.gov">www.gov.ca.gov</a><br>Washington D.C. Office<br>124 Hall of the States<br>444North Capitol Street NW<br>Washington, D.C. 20001<br><br>Phone: (202) 624-5270<br>Fax: (202) 624-5280 |
| <b>State Representatives</b>  |  |
| <b>State Senate</b>   |  |
| Senator Noreen Evans (D)<br>State Senate District 2<br>50 D St., #120A<br>Santa Rosa, CA 95404<br><br>Phone: (707) 576-2771<br>Fax: (707) 576-2773                                  | Email: <a href="mailto:ed.sheffield@sen.ca.gov">ed.sheffield@sen.ca.gov</a><br>Website: <a href="http://www.dist02.casen.govoffice.com">www.dist02.casen.govoffice.com</a><br>State Capitol, Room 4032<br>Sacramento, CA 95814<br><br>Phone: (916) 651-4002<br>Fax: (916) 323-6958               |
| Senator Lois Wolk (D)<br>State Senate District 3<br>555 Mason Street, Suite 230<br>Vacaville, CA 95688<br><br>Phone: (707) 454-3808<br>Fax: (707) 454-3811                          | Email: <a href="mailto:senator.wolk@senate.ca.gov">senator.wolk@senate.ca.gov</a><br>Website: <a href="http://www.dist03.casen.govoffice.com">www.dist03.casen.govoffice.com</a><br>State Capitol, Room 5114<br>Sacramento, CA 95814<br><br>Phone: (916) 651-4003<br>Fax: (916) 323-2304         |
| <b>State Assembly</b>   |  |
| Assemblyman Wes Chesbro (D)<br>2 <sup>nd</sup> Assembly District<br>50 D Street, Suite 450<br>Santa Rosa, CA 95404<br><br>Phone: (707) 576-2526<br>Fax: (707) 576-9031              | Email: <a href="mailto:maddy.hirshfield@asm.ca.gov">maddy.hirshfield@asm.ca.gov</a><br>Website: <a href="http://www.asmdc.org/members/a02/">www.asmdc.org/members/a02/</a><br>P.O. Box 942849<br>Sacramento, CA 94249-0001<br><br>Phone: (916) 319-2001<br>Fax: (916) 319-2101                   |
| Assemblyman Marc Levine (D)<br>10 <sup>th</sup> Assembly District<br>3501 Civic Center Drive, Suite 412<br>San Rafael, CA 94903<br><br>Phone: (415) 479-4920<br>Fax: (415) 479-2123 | Email: <a href="mailto:Michael.miller@asm.ca.gov">Michael.miller@asm.ca.gov</a><br>Website: <a href="http://www.asmdc.org/members/a10/">www.asmdc.org/members/a10/</a><br>P.O. Box 942849-0010<br>Sacramento, CA 94249-0006<br><br>Phone: (916) 319-2010<br>Fax: (916) 319-2110                  |

Assemblywoman Mariko Yamada  
4<sup>th</sup> District  
555 Mason Street, Suite 275  
Vacaville, CA 95688

Phone: (707) 455-8025  
Fax: (707) 455-0490

Email: [yamada@asm.ca.gov](mailto:yamada@asm.ca.gov)  
Website: [www.assembly.ca.gov/](http://www.assembly.ca.gov/)  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0007

Phone: (916) 319-2004  
Fax: (916) 319-2104

## Federal Representatives

### United States Senate

Senator Barbara Boxer (D)  
United States Senate  
1700 Montgomery Street, Suites 240  
San Francisco, CA 94111

Phone: (415) 393-0707  
Fax: (202)224-0454

Email: [Senator@boxer.senate.gov](mailto:Senator@boxer.senate.gov)  
Website: [www.boxer.senate.gov](http://www.boxer.senate.gov)  
112 Hart Senate Office Building  
Washington, D.C. 20510

Phone: (202) 224-3553  
Fax: (202) 224-0454

Senator Dianne Feinstein (D)  
United States Senate  
One Post Street, Suite 2450  
San Francisco, CA 94104

Phone: (415) 393-0707  
Fax: (415) 393-0710

Email: [Senator@feinstein.senate.gov](mailto:Senator@feinstein.senate.gov)  
Website: [www.feinsteinein.senate.gov](http://www.feinsteinein.senate.gov)  
331 Hart Senate Office Building  
Washington, D.C. 20510

Phone: (202) 228-3954  
Fax: (202) 228-3954

### United States House of Representatives

Congresswoman Jared Huffman (D)  
California's 2nd Congressional District  
206 G Street, Unit #3  
Petaluma, CA 94952

Phone: (202) 225-5161  
Fax: (202) 225-5163

Email: [kelly.meeker@mail.house.gov](mailto:kelly.meeker@mail.house.gov)  
Website: [www.huffman.house.gov/](http://www.huffman.house.gov/)  
Washington, D.C. 20515  
1630 Longworth HOB  
Washington, D.C. 20510

Phone: (202) 225-5161  
Fax: (202) 225-5163

Congressman Mike Thompson (D)  
California's 5<sup>th</sup> Congressional District  
2300 County Center Drive  
Santa Rosa, CA 95403

Phone: (707) 226-9898  
Fax: (707) 251-9800

Email: [Cheryl.diehm@mail.house.gov](mailto:Cheryl.diehm@mail.house.gov)  
Website: [www.mikethompson.house.gov/](http://www.mikethompson.house.gov/)  
231 Cannon HOB  
Washington, DC 20515-0501

Phone: (202) 225-3311  
Fax: (202) 225-4335

# Sonoma County 2014 Legislative Program

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# Introduction and Guiding Principles

## *Introduction*

The ability of the County to serve the residents of Sonoma County and provide for a thriving and sustainable community requires support from all levels of government. Local government is uniquely and best positioned to support, serve, and respond to community and individual needs. However, State and Federal legislative policy and action is often needed and beneficial to support local government in having this impact. State and Federal action can affect the County's ability to deliver services, shape what services the County delivers, affect the resources available for services, and remove obstacles to delivering services.

In order to fulfill Sonoma County's commitment to the community, positive state and federal action along with the allocation of resources should be sought. Sonoma County has engaged with legislative advocates at the State and Federal level, resulting in the accomplishment of legislative priorities and positioning Sonoma County to receive significant financial resources.

To this end, Sonoma County adopts an annual legislative platform that provides a guide for Sonoma County's legislative advocates, and highlights key issues important to the local community. The platform provides 10 overarching guiding principles, prioritizes State and Federal issues that should result in specific legislative action, and lays out ongoing general State and Federal issues that the County will monitor for potential action should opportunities arise.

## *Guiding Principles*

Through this platform, Sonoma County will use advocates, professional associations (such as the California State Association of Counties and the National Association of Counties), local elected officials and staff to:

1. Seek out, develop, and support legislative and budget efforts that protect and/or enhance local governments' revenues, maximize the County's access to state and federal funding sources, and/or increases local funding flexibility.
2. Oppose any effort to balance the state budget through the taking of local government resources, and support legislation that will allow the County to ensure full cost recovery for services provided to other governmental entities.
3. Support legislation that furthers the goals identified in the County's Strategic Plan: Safe, Healthy and Caring Communities; Economic and Environmental Stewardship; Invest in the Future; Civic Services and Engagement.
4. Encourage and seek legislation to facilitate orderly and sustainable economic development, and increase the opportunity for discretionary revenues, programmatic and financial flexibility for the County.
5. Oppose unfunded mandates, and oppose any realignment initiatives which fail to fully fund services shifted to the County, including appropriate cost of living increases and cost increases due to population and caseload growth.
6. Support the County's authority to assure mutually acceptable tax sharing agreements for annexation and incorporation that protect or enhance the County's ability to provide services to its residents.
7. Support legislation that provides tax, bond and other funding formulas for the equitable distribution of state and federal monies while opposing attempts to decrease, restrict, or eliminate County revenue sources.



8. Support legislation and budget action which provides additional and continuing funding for local road infrastructure.
9. Support legislation which encourages mutually respectful relationships between tribal and local governments including reform to both fee-to-trust process and off-reservation gaming provisions to insure that the impacts of tribal development are fully mitigated and jurisdictional issues resolved.
10. Support state and federal action advancing the health, vibrancy, and resiliency of the local communities through evidence based preventative services and efforts and consistent with the National Prevention Strategy, including prevention of community violence and chronic disease; increasing access to care, services, and housing; investment in safe and complete streets, parks and infrastructure; emphasizing education and early childhood development; and engaging the public.

# Sonoma County 2014 Legislative Program

The following are Sonoma County's priority State and Federal advocacy issues for the 2014 State Legislative Session. The numbering of items and order are for tracking purposes and do not denote rank or relative importance. For the Top Federal Priorities, where appropriate, issue areas have identified federal resources the County is actively seeking. A total of \$98,020,000 to \$104,020,000 is currently identified, and provided in summary form as Appendix A.

## Top State Priorities

### 1. Gun and Replica Weapon Regulation

Sonoma County has long supported the view of preventing gun and community violence as central issues to achieve a thriving and healthy community. Related to this, the use of lethal force against persons carrying replica weapons, such as copycat BB guns, is a significant threat to public safety and health. Often marketed as looking "just like the real thing", these replica weapons can easily be used in crimes as tools of intimidation as well as be a significant contributing factor in officer-involved shootings.

Sonoma County experienced the horrendous tragedy of an officer-involved shooting, causing the death of a local 13 year old boy, Andy Lopez. This shooting is not an isolated incident; the problem includes recent shootings in Modesto by the Stanislaus County Sheriff, and in San Diego and Los Angeles by the city police departments. Each of these incidents caused extreme harm, including death, and may have been prevented. These shootings are tragedies for all involved, and local police chiefs, county sheriffs, local elected officials, and community leaders have repeatedly called for some form of action to help reduce violence and harm arising from replica weapons.

**Actions:** Support the expansion of sensible gun safety legislation, as well as legislation that will help prevent replica weapon tragedies, such as SB 1315 (De Leon), which provides a State Exemption and claims jurisdiction for to enact local regulations related to replica weapons; and other legislative efforts that will help prevent replica weapons triggering violence or being used to perpetrate violence.

### 2. Sonoma Developmental Center

Sonoma Developmental Center (SDC) is the oldest facility in California established specifically for serving the needs of individuals with developmental disabilities. The facility opened its doors to 148 residents in 1891. Since that time, SDC has served as a critical resource to people in Sonoma County as well as through the North Bay Region. Today, SDC provides an extensive array of services that promote ongoing health, learning, self-advocacy, and increased independence; innovative social, recreational, educational, vocational, and other programs are continuously offered. Not only does SDC provide valuable services to individuals and families, it serves as a significant scenic and environmental resource; SDC is adjacent to natural open space and park land, along with heavily traveled wildlife trails. Ensuring the land continues to provide these community benefits is a great importance to the Board of Supervisors and the community.

**Actions:** The County supports working with State and community stakeholders to find and develop legislative, funding, and other opportunities to preserve the valuable health services for Sonoma County and North Bay residents as well as preserving critical environmental resources.

### 3. Pension Reform

The Public Employee Pension Reform Act of 2012 (PEPRA) made significant changes to pension law for PERS contracting agencies as well as 1937 Act Counties. Sonoma County supports pension reform efforts, but is opposed to reforms that are inconsistent with principles adopted by the California State Association of Counties

(CSAC). Concerns include loss of local control due loss of local, lack of recognition for those programs that are fiscally and managerially sound and for which considerable unfunded liability could be created by the loss of contributions to the defined benefit plans, and loss of flexibility and employee choice of retirement age. Additionally, PEPPRA remains ambiguous in many areas and requires further clarification.

**Action:** The County supports legislation to further clarify PEPPRA. Clean-up legislation should address, for example, unintended benefit enhancements through industrial disability claims; ability to share the costs due to market investment losses and actuarial assumption changes equally with employees; and authority for the Board of Supervisors to appoint four additional public members to the Sonoma County Employees Retirement Board.

#### **4. Jail Alternative Model Recognition**

The Legislature passed and the Governor signed SB 1022 as part of the 2012-13 budget. This legislation provides funding for jail beds that are accompanied by programming facilities to improve outcomes for released prisoners. The Sonoma County Strategic Plan, adopted by the Board of Supervisors in December 2007 and re-affirmed by the Board in October 2009 and November 2010, discusses the need to “more effectively address public safety issues at the lowest risk levels for all members of the community, including early detection, intervention and diversion of minor criminal activity, substance abuse, and mental health issues.”

Sonoma County is exploring a number of jail alternatives including the potential development of a Community Corrections Center. This model holds offenders accountable while providing programs to help them become productive members of our community. It assists offenders in taking responsibility for their lives through law-abiding and responsible behavior. The model includes offering programs and services such as job skills training, life skills classes, thought-restructuring programs, individual and group counseling, alcohol and drug counseling, family counseling, and financial management classes.

**Action:** Seek funding made available through relinquished AB 900 Phase 1 funds and/or SB 1022 to fund the Sonoma County Community Corrections Center Model.

#### **5. Regulation of Medical Marijuana**

Local government agencies continue to face many impacts arising out of the cultivation and distribution of medical marijuana, including the potential effects on the environment caused by cultivation (i.e., excessive water usage, uncontrolled pesticide use and erosion); the creation of public and private nuisances due to strong odors; indoor grows and the heightened risk of electrical fires; safety concerns created by a high value crop or dispensary inventory. In addition to addressing these concerns, local agencies must balance the concern of availability to prescription holders. Because the potential impacts of medical marijuana can vary broadly depending upon the geography and urban versus rural nature of counties and cities throughout California, regulation at the local level is more effective. However, there is ambiguity and general lack of clarity in State legislation to help guide local jurisdictions in balancing these concerns.

**Action:** Support the creation of specific statutory authority to clarify the extent of local agency regulation of both indoor and outdoor grows would provide useful support to local regulatory efforts and the development of regulations addressing distribution of medical marijuana through delivery services rather than storefront dispensaries.

#### **6. Vote-By-Mail**

Over 60% of the registered voters in Sonoma County choose to participate in the Permanent Vote by Mail program, and roughly 60-70% of the ballots cast in Sonoma County for statewide elections are cast via the Vote by Mail program. The high number of Permanent Vote by Mail voters, state law currently requires counties to establish, outfit and staff polling places, which is costly.

**Action:** Allow counties the option of converting elections to 100% Vote by Mail if the percentage of registered voters participating in the Permanent Vote by Mail program exceeds a specific percentage, and require a number of Vote by Mail drop off locations in proportion to the number of registered voters in the jurisdiction to be established (in lieu of the requirement that return postage is paid for voted ballots).

## **7. State Gas Tax Allocation**

The revenues received from taxing fuel suppliers are deposited in the State Highway Users Tax Account (HUTA). These revenues are allocated to the state, counties and cities. Although most of the state road miles are owned and operated by the cities and the counties, the State receives the vast majority of the HUTA revenues for state highway maintenance. The allocation of the HUTA revenues to the unincorporated counties are based upon registered vehicles within the geographic county and to a smaller part maintained mileage within the unincorporated county. Urbanized counties with large incorporated populations and areas benefit from the formula even though the unincorporated portion of the county may have few road miles to maintain. Conversely, counties that are less densely populated tend to have more unincorporated road miles and infrastructure to serve their public; but given the HUTA formula allocation, have less revenue to address the transportation infrastructure needs. Currently, Sonoma County receives approximately \$9,846 per mile from HUTA funding while some bay area counties receive over \$51,000 per mile.

**Action:** Support legislation and budget action which reviews the current HUTA distribution formula, and for all existing and future roads funding sources, and establishes a HUTA allocation formula which weights road miles more heavily. Seek to reverse the budget action approved in 2012-13 which made the HUTA borrowing by the State permanent.

## **8. 2014 Water Bond Funding Priorities**

Proposition 84 (2006) allocated \$37 million to the North Coast and \$138 million to the Bay Area for implementation of Integrated Regional Water Management Plans, and provided funding for flood control, recycled water and groundwater programs. These funds will soon be fully appropriated. A new \$11.1 billion water bond measure was approved by the Legislature and signed by the Governor in 2009 but was removed from the 2010 ballot when the economy soured. There is common agreement that the 2009 bond (now slated for the November 2014 ballot) must be reduced in size in order to gain voter approval. SB 42 (Wolk) and AB 1331 (Rendon) are the leading proposals to replace the 2009 bond. The measures are approximately the same in size (\$6.5 billion) but have different priorities. The bond measure that is likely to come out of these measures in 2014 will guide state funding for water, sanitation, recycled water and groundwater programs for the next decade.

**Action:** Advocate for bond categories that would ensure that Sonoma County and regional agencies have maximum opportunity to draw down grant funding for local projects. Actively participate in development of implementation legislation, should a bond be approved, that will ensure funding eligibility for Water Agency and sanitation district projects and programs. Support or sponsor legislation that would appropriate substantial funding amounts for integrated water management plans and coastal salmon restoration and monitoring under future water bonds or water infrastructure funding initiatives.

Specific bond priorities include:

- Increased funding for Integrated Regional Water Management planning (IRWMPs);
- Funding for North Coast and Bay Area IRWMPs greater than amounts contained in Proposition 84;
- 25% local match requirements for IRWMP;
- Funding for Small Community Grant Program offered through the State Water Resources Control Board for sanitation facility upgrades for areas such as Occidental, Camp Meeker and Monte Rio;
- Development of grant criteria to be developed for new bond (if approved by voters) which will benefit Sonoma County's sanitation upgrade projects;
- Funding for non-Central Valley and/or Delta flood control projects, for urban storm water projects and for programs to better predict weather events;

- Funding for recycled water projects, including storage and delivery of water, and for development of groundwater resources; and
- Funding for State Conservancies, particularly the Coastal Conservancy, and for Watershed Coordinator.
- Funding for recovery and monitoring of endangered Russian River Coho salmon

## **9. Copeland Creek Trail and Crane Creek Park Expansion**

The Copeland Creek Trail Project includes planning and developing a trail connecting Sonoma State University to Crane Creek Regional Park. Funding includes a Matching Grant from Sonoma County Agricultural Preservation and Open Space District (District) to Rohnert Park. This will extend the trail that already crosses Rohnert Park to Commerce Boulevard, near Highway 101. The County’s project, starting at the Rohnert Park city limits and going east, is identified as a high priority project in the adopted 2010 County Bikeway Plan. This Plan also designates Regional Parks Department as responsible for establishing and maintaining Class I bikeways. Class I Bikeways are also known as multi-use paths, providing access for pedestrian and bicycle travel with an all-weather surface. Class I Bikeways are on corridors separate from the road and are intended to provide superior safety, connectivity, and recreation opportunities.

**Action:** Secure approval of \$950,000 from the Prop 84 Urban Greening Grant program for the Copeland Creek Watershed.

## **10. Sweetened Beverage Tax to Support Anti-obesity Efforts**

Overweight children and childhood obesity constitute a preventable public health crisis. In Sonoma County, 8% of the children ages 2-11 are overweight or obese. The problem is even greater among Hispanic children and children from low-income households. Thirty-eight percent (38%) of low income children are overweight or obese and their future health may suffer, as three out of four children who are overweight will remain overweight as adults, according to the Centers for Disease Control and Prevention. The connection between obesity and consumption of sweetened beverages has been clearly established. A tax would generate over \$17 million in Sonoma County to fund upstream community-based childhood obesity prevention programs; early recognition, monitoring, and weight management intervention activities in medical settings; and elementary and secondary schools for educational, policy, and other public health approaches that promote nutrition and physical activity.

**Action:** Support legislative efforts to pass a sweetened beverage tax to fund anti-obesity efforts at the local level.

## **11. In-Home Supportive Services (IHSS)**

The County’s interest is to sustain the 2012 funding methodology for IHSS as established in the 2012-13 Budget. The county contribution for IHSS has increased each year until the current year when a Maintenance Of Effort (MOE) was established for IHSS. The MOE replaced the share of cost methodology that was used to determine the County cost for IHSS. The new MOE allows the County to fund the IHSS program and support the community at a lower cost.

The MOE took effect July 1, 2012, and includes a substantial shift in how counties budget IHSS costs. All 58 counties began paying the MOE in July 2012, regardless of the date of transfer of collective bargaining for IHSS Providers. The base year for county expenditures for the MOE is the 2011-12 fiscal year; beginning in 2014-15, the county MOE will be increased by an inflation factor of 3.5% per year (with the exception of years when 1991 Realignment revenues decline). The county MOE will be increased for the county’s share of any costs of locally negotiated wage and benefit increases prior to the state taking over collective bargaining if the state approves.

**Action:** Support legislative efforts to reduce the County’s obligation to fund IHSS such as a Maintenance of Effort.

## **12. Broadband Deployment**

Broadband connection throughout Sonoma County would provide significant economic development, education, safety, and other benefits. However, broadband deployment and access throughout Sonoma remains challenging due to geography and market forces. In particular, the Sonoma coast and Northern Sonoma County include isolated and remote areas without significant utility or other infrastructure. Market forces have proven inadequate to achieve general broadband deployment in the County. Additional funding and regulatory incentives are required to ensure that all residents are provided broadband access. Furthermore, the data utilized by regulatory agencies regarding broadband penetration in rural areas remains questionable.

**Action:** Seek and support legislative and funding programs to effectuate broadband deployment throughout Sonoma County. Support legislative and regulatory actions that produce accurate metrics to gauge broadband deployment in the County. Broadband deployment data should reflect actual services and speeds and be able to be verified by in field validation.

## Top Federal Priorities

### 13. Geothermal Royalty Revenues

Under the 2005 Energy Policy Act, Sonoma County received a share of Geothermal Royalty revenues from September 2006 through October 2010, for a total of \$5.4 million. In March 2010, the Department of Interior (DOI) notified the County that changes made in federal fiscal year 2010 Appropriations Act for the Department of Interior (P.L. 111-88) repealed the authority to make revenue sharing payments to counties. However, subsequently Congress reversed the repeal (P.L. 111-212) and the County received the balance of payments accrued for geothermal generation through September 2010 (payment received in October 2010). In November 2010, the DOI's Office of Natural Resources Revenue advised the County that P.L. 111-212 was not included in the Continuing Resolution for FY 2011, thus payments to counties would be discontinued. However, due to County advocacy efforts and the intervention of Congressman Mike Thompson and Congresswoman Lynn Woolsey, the language was included. With the passage of the Continuing Resolution on December 8, 2010, the County will receive funding for an additional federal fiscal year (ending September 2011). This funding source remains threatened.

**Action:** Seek legislative or budget action that permanently protects the County's geothermal royalty share.

### 14. Family Justice Center Sonoma County

The Family Justice Center Sonoma County (FJCSC) is a multi-disciplinary, physically co-located model with a coordinated, single point-of-access offering comprehensive services for victims of family violence. This approach specifically addresses the dispersal of services. The FJC collaborative model is designed to improve victim safety and recovery, increase success in offender prosecutions, and reduce family violence injuries and homicide. Additional collateral benefits documented as outcomes include increased service efficiencies through the provision of collaborative services, and increased community support for services being offered to victims and their children, thus reducing costs and increasing revenues. All Family Justice Centers seek to improve the services being offered to victims, and to reduce the number of locations a victim must visit as well as the number of visits they must make to tell their story and receive the help they need. The United States Department of Justice, through its Office on Violence against Women (O.V.W.), has identified the Family Justice Center model as a best practice in the field of domestic violence intervention and prevention services. Additionally, Congress has recognized the importance of Family Justice Centers as a "purpose area" in the Title of the Violence Against Women Act (V.A.W.A. 2005).

**Action:** Seek federal appropriations or other grant sources for the Sonoma County Family Justice Center Sonoma County Redwood Children's Center and Forensic Medical Unit equipment needs. Federal appropriations of \$800,000 would fund site equipment and related costs, all of which are critical to enhanced service-delivery and evidence based outcomes.

### 15. Perinatal Alcohol and Drug Treatment Program

A significant number of Sonoma County women presenting for delivery at local hospitals test positive for alcohol or other drugs. The implication of this rate of toxicity among pregnant women reflects a need for further treatment interventions and a comprehensive systems approach to meet the needs of newborns who may be impacted by the mother's drug use. With the success of the Perinatal Alcohol and Other Drug Action Team's effort to develop universal screening protocols for pregnant women seen by medical providers and the hiring of the County Perinatal Placement Specialist, referrals to perinatal residential and especially Perinatal Day Treatment programs have increased beyond capacity. Specifically, Drug Abuse Alternative Center's (DAAC) Perinatal Day Treatment Program has operated at its enrolled capacity of 33 women and 20 children for the last three years. Due to a lack of funding, the program has had to maintain a waiting list of 15-20 women (and their children) during this same time period. The Perinatal Day Treatment Program has proven to be extremely successful over the last 20 years.

The Sonoma County Department of Health Services is requesting \$1 million over three years to support expansion of community perinatal alcohol and drug treatment programs and services.

**Action:** Seek appropriations to support the Perinatal Alcohol and Drug Treatment Program.

## **16. Youth Employment Program**

In July 2012, the summer jobs program operated by the Sonoma County Workforce Investment Board and its Youth Council expanded to a year-round youth employment program. One component – the Sonoma County Youth Ecology Corps (SCYEC), administered by the Human Services Department on behalf of the Workforce Investment Board – provides subsidized employment to youth ages 14 to 24 at \$8 per hour while they learn employment and life skills. Youth work in crews of 8 individuals under the supervision of a crew leader. Most youth work on stream maintenance and restoration projects in Sonoma County. Youth served in the program include those from low-income families, foster youth, youth on probation or at risk of gang involvement, and youth with disabilities. In 2012, more than 200 youth were served. In 2009, the program was funded through the American Recovery and Reinvestment Act (ARRA). In 2010, the program was funded through Temporary Assistance for Needy Family (TANF). In 2011, the program was funded through the Workforce Investment Act (WIA) and Sonoma County Water Agency (SCWA). In 2012, the SCYEC was funded by WIA, SCWA, TANF, the Sonoma County Agricultural Preservation and Open Space District, and the Sonoma County Fish and Wildlife Commission. Since there is no dedicated funding for youth employment programming, funding of approximately \$800,000 is requested.

**Action:** Support federal appropriations for the Youth Employment Program.

## **17. Dental Clinic for Foster Youth**

Funding is being requested to support a public-private oral health infrastructure that provides dental care for all children entering emergency foster care at Sonoma County's emergency shelter, the Valley of the Moon Children's Center (VMCC). VMCC serves approximately 450 children a year. The American Academy of Pediatricians estimates that about 35% of children enter foster care with high prevalence of undiagnosed or under-treated acute and chronic dental or oral health conditions. Limited local dental resources for low-income and at-risk youth have made it difficult for these children to receive appropriate and timely dental care. The services provided through the VMCC dental program include: dental evaluations and teeth cleanings of all children; follow up care such as fillings and extractions; dental emergencies such as tooth pain; developing community resources to address higher level dental needs (i.e., surgeries); and implementing an oral health prevention program by providing dental sealants and educating children and youth about oral health. The partnership uses the services of volunteer dental professionals from the local community. Total funding requested is \$120,000 for Dental Program Director, equipment, and supplies.

**Action:** Seek federal appropriations for the Valley of the Moon Dental Clinic.

## **18. Healdsburg Dam Renovations**

These funds would support the refurbishment of the Healdsburg War Memorial Dam in Healdsburg, California. The dam was originally built in 1953, and then reconstructed in 1956 following a flood. The dam consists of a concrete sill, steel anchor plates and removable flashboards. The flashboards and support structure is erected annually, currently to a maximum height of seven feet due to structural weaknesses, in late June and removed mid-September. The War Memorial Dam is a significant recreational feature along the Russian River with over 100,000 annual visitors to Healdsburg Veterans Memorial Beach and the increased water levels during the dry summer months contributes to the recharge of the City of Healdsburg's drinking water wells located upstream.

Refurbishment of the entire dam structure would include repair of the eroded surfaces on the concrete foundation, replacement of steel anchor plates, replacement of the flashboard panel assemblies and a new sheet pile wall. Additionally, fish passage will be enhanced while the dam is erected by increasing the depth of the resting pool



beneath the spillway. After the work is completed, Regional Parks expects that it will be able to restore the War Memorial Dam to its historical height of ten feet.

**Action:** Seek federal appropriations for the Sonoma County Veterans Memorial Beach Dam in Healdsburg.

### **19. Taylor Mountain Regional Park and Open Space Preserve Development**

The Sonoma County Agricultural Preservation and Open Space District and Sonoma County Regional Parks are currently working together to complete the Taylor Mountain Master Plan. Funding is needed to begin the development phase of the project. Once this park is developed, the public will be able to hike, bike or horseback on this beautiful 1,000 acre park. The Taylor Mountain Regional Park and Open Space Preserve is just minutes always from the cities of Santa Rosa, Sebastopol, Roseland, Cotati, Petaluma, and Sonoma.

**Action:** Seek federal appropriations for Taylor Mountain Regional Park and Open Space Preserve.

### **20. Bodega Bay Bicycle and Pedestrian Trail**

The Bodega Bay Bicycle and Pedestrian Trail Corridor is a multi-phase project that will form an important link in the California Coastal Trail System as well as linking commercial, recreational and residential areas of Bodega Bay. Some segments have been funded, but several segments still require funding for the planning and development phases. Conceptual plans and preliminary California Environmental Quality Act (CEQA) compliance are complete for the entire trail corridor.

**Action:** Seek federal appropriations for the Bodega Bay Bicycle and Pedestrian Trail.

### **21. US 101/River Road Interchange Improvements**

This project proposes to rehabilitate the interchange and approaches to US 101 at River Road. This is one of the main access routes to the agricultural areas of the County, including vineyards, wineries, dairies, and others. It serves as the primary access to the Russian River recreational areas and the Pacific Coast. To the east, Mark West Springs Road links the US 101 to Calistoga and northern Napa Valley. It is a very important and heavily used interchange. There are a number of sight distance problems and other safety issues to resolve with this work. This is an outdated alignment plus the road surfaces are extremely worn from the high volumes of truck traffic. The upgrading of the interchange will address the safety concerns and pavement design to accommodate heavy vehicle traffic. No significant environmental issues are anticipated with the rehabilitation of the interchange.

**Action:** Support efforts for inclusion in the next federal transportation re-authorization bill.

### **22. Local Flexibility for Immigration Detainers**

Code of Federal Regulation (CFR) 8 section 287.7(d) currently requires local law enforcement to hold people in jails should the Immigration and Customs Enforcement (ICE) Department issue a detainer, based upon the persons immigration status, while the person is in local custody on another issue. There has been significant conflict over whether or not ICE detainers are mandatory or simply “requests.” The conflict is created by the “shall” language in section 287.7(d) regarding detentions. ICE also has stated that detainers are mandatory and the vast majority of counties both in California and nationally have followed that interpretation. Nonetheless, the County and Sheriff believe that justice would be better served by providing local discretion.

**Action:** Seek to change Code of Federal Regulation (CFR) 8 section 287.7(d) to replace “shall” with the word “may.”

## **23. Broadband Deployment**

Broadband connection throughout Sonoma County would provide significant economic development, education, safety, and other benefits. However, broadband deployment and access throughout Sonoma remains challenging due to geography and market forces. In particular, the Sonoma coast and Northern Sonoma County include isolated and remote areas without significant utility or other infrastructure. Market forces have proven inadequate to achieve general broadband deployment in the County. Additional funding and regulatory incentives are required to ensure that all residents are provided broadband access. Furthermore, the data utilized by regulatory agencies regarding broadband penetration in rural areas remains questionable.

**Action:** Seek capital and other financing via grants and other revenue federal revenue streams up to \$50,000,000.

## **24. Behavioral Health Services in Community Clinics**

The Sonoma County Department of Health Services is requesting \$800,000 to support collaboration between the Sonoma County Department of Health Services Behavioral Health Division and community clinics in Sonoma County to provide routine universal mental health and substance use disorder screenings, education, and integrated mental health and substance use disorder services to patients who screen positive for mental illness and/or substance use. The provision of services will focus specifically on minority communities in Sonoma County, particularly the Latino community.

**Action:** Seek federal appropriations or agency grant funds to support behavioral health services in community clinics.

## **25. Subsidized Employment Program**

In 2011, under the Temporary Assistance to Needy Families (TANF) Emergency Contingent Fund (ECF) employers received a subsidy to offset all of the wages and costs of employing a participant. Subsidized Employment Program participants, who must meet federal income guidelines, were paid the going rate for workers who perform the same job. Participants are placed in public agencies, private non-profit organizations, and private for-profit businesses, and perform work designed to contribute valuable services to the community and stimulate the local economy. Work experience helps participants improve their job skills while increasing their household income. With TANF ECF funding, 365 people were enrolled, and of those, 173 transitioned to permanent employment. Most of the cost of the program was for wages. The Department wishes to provide a Subsidized Employment Program for TANF recipients under AB98/SB72 (using the Department's CalWORKs single allocation). Since no dedicated funding exists, the subsidized employment program is very small. Additional funding will provide additional opportunities for subsidized employment and will help meet work participation goals.

**Action:** Seek federal appropriation to support Subsidized Employment Program.

## **26. CalFresh Outreach**

California has the nation's lowest participation in the Supplemental Nutrition Assistance Program (SNAP) formerly called "Food Stamps." California's low-uptake for the SNAP program, called CalFresh in California, is likely affected by the relatively high numbers of immigrants compared to the rest of the nation. Legal immigrants may fear that accepting government benefits will adversely impact their immigrant status. Only one third of California's working poor are estimated to participate in the SNAP. California Food Policy Advocates use three CalFresh eligibility criteria to calculate that only 35% of most potentially eligible Sonoma County residents were actually receiving SNAP benefits in 2010. The Sonoma County poverty rate has increased to 13.1% from 8.9% in 2007.

Federally-funded SNAP benefits directly stimulate the local economy. The Department of Agriculture estimates that for every dollar spent there is a return to the local economy of \$1.84. Funding is needed for outreach services

particularly among seniors, Spanish-speaking residents, agricultural workers, and the working poor. The Human Services Department requests \$600,000 for CalFresh outreach activities that would build on its existing partnerships with community-based organizations already working with these populations.

**Action:** Seek federal appropriations to support CalFresh outreach efforts.

## **27. Senior Transportation**

The Area Agency on Aging implemented a special initiative focusing on senior transportation; the program received a NACO award in 2011. The staff position dedicated to this project was eliminated because the funding for senior transportation programs has not been authorized on the federal or state level.

Improving access to transportation resources for seniors and adults with disabilities has been identified as a high priority in the Sonoma County Area Agency on Aging (AAA) senior needs assessment. Transportation is critical to seniors' ability to access social and medical services that enable them to remain safely in their homes. The City of Santa Rosa was funded for one call center, and is working with 211 to launch a centralized telephone number for seniors to call for transportation assistance. Funding is needed to support the current volunteer driver programs implemented by Sonoma County, and establish new ones. Because public transit agencies must confront multiple priorities, it is vitally important that separate federal funding for senior transportation continue and expand. Additional funds on the federal level could result in local grants for senior transportation alternatives and mobility management.

**Action:** Support federal funding to improve senior transportation services.

## **28. McCullough/Mark West Creek Acquisition**

Sonoma County Regional Parks and the Sonoma County Agricultural Preservation and Open Space District have been working together on a public-private partnership to preserve the McCullough and Cresta Ranches to transform these properties into a regional park and open space preserve. The proposed Mark West Creek Regional Park and Open Space Preserve would become 1,095 acres of recreational open space and wilderness opportunity minutes from the cities of Santa Rosa, Calistoga, Windsor, and Healdsburg. The east and west ridges of the McCullough Ranch stand as a 461 acre preserve of grasslands, woodlands and streams that are home to Coho Salmon and Steelhead Trout, and a 22 mile trail system that provides expansive views of the surrounding Russian River Valley and the Santa Rosa Plain. The proposed linkage of the two properties speaks to the essence of Sonoma County's legacy of open space preservation.

The Sonoma County Agricultural Preservation and Open Space District purchased a 340 acre property known as Cresta Ranch in November 2007, and a 461 acre property known as McCullough Phase I in September 2009. These properties are intended to be part of the future Mark West Creek Regional Park. To date, the County has invested approximately \$15 million for the purchase of McCullough and Cresta Ranches. To realize the full potential of this project, which will ultimately form a contiguous protected habitat of over 4,600 acres on the northern edge of the Santa Rosa urban area, an additional \$8 million is needed to acquire the valley between the ridges, protect the confluence of Mark West and Mill Creek, and create public access from Porter Creek Road.

**Action:** Seek federal appropriations for the McCullough/Mark West Creek Acquisition.

## **29. Tolay Lake Regional Park Master Plan and Development**

Sonoma County Regional Parks is working together with the Sonoma County Agricultural Preservation and Open Space District to complete the planning and development phase of the Tolay Lake Regional Park. The proposed park (formerly known as the Cardoza Ranch) is approximately 1,700 acres and will restore habitat, protect open space, and provide natural and cultural resource educational and recreational opportunities to Sonoma County residents and visitors. The Sonoma County Agricultural Preservation and Open Space District provided more than half of the \$18 million needed for the acquisition of Tolay Lake. These funds are from the one-quarter cent sales

tax approved by voters in 1990. The remaining \$6,800,000 for the purchase included grants from the Department of Fish and Game, Wildlife Conservation Board, State Coastal Conservancy, Land and Water Conservation Fund, National Oceanic and Atmospheric Administration, State Proposition 12 Funds, and private foundations, businesses, and individual donors.

**Action:** Seek federal appropriations for Tolay Lake Regional Park Master Plan and Development.

# General State and Federal Issues

Following are the County's general advocacy issues for 2014. General advocacy issues differ from priority advocacy issues in that the County's legislative advocates will primarily support the efforts of others to enact legislation to address these concerns, which are most often shared concerns of multiple counties. General advocacy issues may have both connections to State and Federal legislative or funding action. The General Issues are categorized by general functional area within the County organization.

## Health & Human Services

### **30. Implementation of Federal Healthcare Reform**

**Issue:** In March 2010, President Obama signed into law comprehensive health care reform, the Patient Protection and Affordable Care Act (ACA). The ACA will provide coverage for approximately 32 million Americans, 5 million Californians, and 45,000 Sonoma County individuals without health insurance coverage. In addition, the ACA will provide important funding for community health centers, implement changes in the Medicaid and Medicare programs to expand access, establish a National Public Health Council and Prevention and Public Health Fund, establish multiple public health funding opportunities (e.g. Community Transformation Grants, Healthy Aging, Living Well Grants, Epidemiology-Laboratory Grants, Positive Health Behaviors and Outcomes Grants, etc.); include mental health and substance abuse parity, and fund workforce development programs. As comprehensive health care reform is implemented, it is important that all components of the ACA and funding be protected. Toward that end, the County supports legislative and regulatory efforts that implements the ACA in a manner that promotes high-quality, cost-effective care; stabilizes and maintains the local health care safety-net; maintains a strong public infrastructure; strengthens prevention-focused primary care; addresses health disparities; supports and preserves the strengths of the current system, including the unique qualities of county-operated systems that specialize in serving vulnerable populations and protects the funding provided for in the ACA.

**Action:** Monitor any new State legislation that would modify funding or responsibilities related to the County's role in implementing the ACA. Oppose any legislation that would redirect county funds, beyond what was agreed to as part of the 2013-2014 Budget, for the State's share in the ACA.

### **31. Workforce Needs to Implement Federal Healthcare Reform**

The health care workforce of the future will be highly focused on prevention, care coordination, care process re-engineering, dissemination of best practices, team-based care, community-based care, continuous quality improvement, and the use of data to support new care delivery models. Training and educational experiences will be needed to help develop this knowledge and these skills. Current reimbursement payment policies do not necessarily support such workforce needs. They can, for example, be prescriptive regarding the type of individuals providing care. Yet there are many care coordination models that utilize less expensive but potentially highly effective individuals who are trained to interact with patients in a focused way to address preventive health and chronic conditions (e.g., community health workers). There is a shortage of such individuals today, even as we are moving toward a health care system based on effective care coordination and prevention.

**Action:** Support Federal and State legislation which would provide the support and training programs needed to meet the workforce demands that will come with health care reform. Federal funding can be directed through existing programs, such as in the Department of Labor, and/or programs can be combined with funding in the Prevention and Public Health Fund.

### **32. Current and Future Realigned Health and Human Service Programs**

The 2011-12 State Budget Act included the 2011 Realignment. While a large part of this shift of responsibilities from the State to counties focused on the public safety systems, it also included the realignment of two mental health funding sources and the realignment of several substance used disorders programs.

The 2011 Realignment shifted funding for mental health managed care and the state general fund contribution to the local match for children's Medi Cal services (known as Early and Periodic Screening, Diagnostic and Treatment (EPSDT) funding) to the sales tax revenues identified to fund this realignment. While the counties have been responsible to manage the provision of Medi-Cal services to children in their role as the Medi-Cal Specialty Mental Health Plan, this action shifted financial risk for these services to counties. In addition to this change related to the EPSDT funding, the mental health managed care allocation funding was also shifted from state general fund to sales tax revenue.

Along with the realignment of mental health funding and risk, 2011 Realignment shifted financial risk and supposedly responsibility and authority to manage substance used disorders services, including: the Drug Medi-Cal Program, Drug Courts, Perinatal Drug Program, and Non-Drug Medi-Cal Services.

The concept of realignment calls for the shift of funding and financial risk along with the shift of authority and responsibility. Unfortunately, as the State is implementing this realignment, the transfer of authority and responsibility is being withheld. For example, the State retained its Alcohol and Drug Program Department to provide oversight to counties and continues to control rate setting. The State has also retained the certification of providers and the ability to establish contracts with new providers even if the county would prefer to not contract with the provider. By shifting funding and fiscal risk to the counties without the requisite authority to manage the programs and risk, the State is renegeing on the promise of realignment. The State could make a decision that would increase costs to the county forcing the county to fund the excess costs with '91 realignment or other local funds. The counties would have no ability to manage their provider networks, utilization or quality. The counties' ability to make system improvements would be hampered.

**Action:** Craft enabling legislation and regulations that provides counties the authority and processes needed to manage the new responsibilities shifted to them by the State.

### **33. Limits of Liability for the Public Guardian**

The Conservatorship Act of 2006 changed state law giving the court authority to order the Public Guardian to apply for conservatorship in situations that the court determined necessary. This change in the law increases the responsibilities of the Public Guardian and it amounts to an unfunded mandate. In such cases, the County Public Guardian does not have any option but to comply with the Court. Additionally, the County and the Public Guardian are not immune from personal or civil liability arising from conservatorship duties.

**Actions:** Support legislative effort that would allow the Public Guardian discretion to respond to the court by conducting an investigation into the appropriate case management for the conservatee; limit liability for counties and for the Public Guardian; provide a federal or state funding stream for public guardian services.

### **34. Distribution of Alcohol and Other Drug (AOD) Treatment State Discretionary Funding**

Since 1994, as a result of the Sobkey v. Smoley court decision, the disparity in the distribution of AOD discretionary state general funds has grown. Some counties receive no AOD discretionary state general funds (such as Sonoma County), some receive less than 50 cents per capita, and some receive more than 50 cents per capita. The methodology for distribution of AOD state discretionary general funds needs to be revisited and a more equitable distribution methodology developed. Furthermore, juveniles are not eligible for alcohol and drug related services, which results in significant unmet need. The County substantiated, through its recent Jail Alternatives Study, the high correlation between alcohol and other drug use and involvement with the criminal justice systems. Investing in upstream programs, like AOD treatment, and making these services available to all

age groups, could relieve pressure on the criminal justice system thereby resulting in savings to the County and to the state.

**Action:** Support legislation that provides a base level (minimum \$1.00 per capita) of state discretionary funding to all counties for local alcohol and other drug treatment programs to be used for various eligible populations as determined by each county.

### **35. Health Coverage for All Children and Adult California Residents**

There are approximately 46 million Americans without health insurance coverage, including 6.5 million residents of California. Two-thirds of the uninsured are low income, and eight in ten come from working families. Many of the uninsured work for employers that do not offer insurance, and those who are offered insurance often cannot afford their share of the premium. Young adults, racial and ethnic minorities, and those who are non-citizens are more likely to be uninsured. Lack of insurance has a significant impact on an individual's ability to access health care services. Uninsured adults are more likely to postpone or forego health care altogether, are less able to afford prescription drugs, and less likely to follow through on treatment plans. Reduced access to quality health care results in poor health, preventable hospitalizations, and premature death. Similar to the efforts that have been made to provide insurance coverage for uninsured children, the County supports the development of a long term solution that will provide health care coverage for all residents of California.

Toward that end, the County urges the President and Congress to build upon the Patient Protection and Affordable Care Act (PPACA) to work with the goal of expanding a system of health care coverage and medical care delivery for all children and adults that builds upon and preserves the strengths of the current system, including the unique qualities of county operated systems, such as the County's Healthy Kids program. Any health care reform process must take into account historical, current, and future County costs for treating those who are, and those who may remain, uninsured. Finally, health care reform must include mental health parity provisions that provide coverage for mental health services equal to coverage for medical and surgical benefits and ensure adequate ongoing funding for both expanded and core mental health services.

**Action:** Support legislative efforts to provide health insurance for all children and adults and a stable source of funding for all residents of California consistent with the *Health Care Reform Principles of Action* adopted by the Board on December 8, 2009.

### **36. Mental Health Managed Care Allocation**

In the early 1990s, the state consolidated Medi-Cal mental health services into a single Medi-Cal Specialty Mental Health Program and contracted with local agencies/organizations to operate the program. The Medi-Cal Specialty Mental Health program is a federal and state partnership with shared costs. When the state consolidated Medi-Cal Specialty Mental Health Program, it provided contracting agencies with funding to match the federal funds related to the fee for service part of Medi-Cal, referred to as the Mental Health Managed Care allocation. Since consolidation of the program, the state has unilaterally reduced the Mental Health Managed Care allocation. As a result, the Mental Health Managed Care allocation for Sonoma County in FY 09-10 has declined by over 50% since the program's inception despite significant increased Medi-Cal costs over the same period.

**Action:** Support legislation or budget action that indexes the Mental Health Managed Care allocation based on the cost of Medi-Cal services and calculated each year based on the Federal Medical Assistance Percentages (FMAP).

### **37. Restoration of Health and Mental Health Realignment Funding Baselines**

The formula for the distribution of realignment between the Social Services, Health, and Mental Health Services Trust Funds allocates funding to Human Services on a priority basis based on increased caseload growth. Increased realignment growth is diverted to Human Services with little or no growth in the funding for the Health

or Mental Health Trust Funds. As a result, the department has been forced to make reductions to health and mental health realignment programs and services.

This inequity in the current realignment funding formula has been made worse by the recent downturn in the economy, which has resulted in a significant decrease in revenue and a lowering of baseline funding levels. As a result, when the economy rebounds, any growth in revenues above the new lower baselines will go disproportionately to the Social Services Trust Fund, thereby further reducing available funding for health and mental health realignment funded programs. Furthermore, Governor Brown has indicated his interest in opening up the 1991 Realignment to shift more services from the state to counties. This presents numerous concerns regarding the share of realignment funds that currently flow to Sonoma County being eroded by pressures from other counties to secure a larger share of the original realignment.

**Action:** Support legislation that provides a temporary restructuring of the realignment distribution formulas to provide growth in health and mental health funding consistent with levels that existed prior to the downturn in overall realignment funding. Oppose efforts to reduce funding from the 1991 Realignment to Sonoma County.

### **38. Emergency Medical Services Planning and Local Control**

Legislation introduced in the past would have reduced County control over local planning and emergency medical services by requiring local policies and procedures be reviewed and approved by the State Emergency Medical Services Authority. This legislation fails to reflect California's diverse geography and population and would negatively impact local emergency medical services agencies.

**Action:** Oppose legislation that would usurp local control over emergency medical services planning and delivery.

### **39. Service Delivery System and Funding for Individuals With Cognitive Disorders**

Individuals with cognitive disorders such as Alzheimer's, HIV, dementia, and traumatic brain injuries often require extensive, costly long-term care and other mental health treatment services. Currently, there is no mental health services delivery system or funding for programs and services to address the needs of individuals with cognitive disorders. As a result, these individuals often end up in mental health crisis centers and inpatient psychiatric hospitals requiring significant mental health realignment dollars to fund needed services.

**Action:** Support legislation or budget language that identifies new resources to fund services, including long-term care services for individuals with cognitive disorders.

### **40. State Funded Child Care**

Every year when the state budget is late, hundreds of children, families, child care providers, and employees of state subsidized programs are in danger of losing care and/or their jobs. This loss of child care impacts county residents' quality of life and disrupts the local economy as employees must forego working in order to provide at home child care.

**Action:** Support legislation and budget action which would ensure continuity of child care for children and families.

### **41. State Funded Afterschool Programs**

There has been a marked increase in the number of income eligible children/families waiting for a subsidized child care slot to become available in Sonoma County. The County and the Child Care Planning Council of Sonoma County are concerned about protecting funding for Proposition 49 (2002) - the After School Education and Safety Program and 21<sup>st</sup> Century After-School Programs as these directly impact the quality of life for Sonoma County residents.



**Action:** Seek and support legislation which would preserve, protect, and increase funding for subsidized and other government-funded child care.

#### **42. Community Care Licensing**

As the basis for health and safety in local licensed child care programs, it is critical that the Department of Social Services; Community Care Licensing (CCL) has the capacity for annual visits. In addition, it is imperative that CCL have staff that is knowledgeable about child development and has the capacity for building ongoing, collaborative relationships with families, local non-profits and the County. The lack of these resources impacts children and families and puts additional pressures on the County to provide child care resources.

**Action:** Seek and support legislation and budget action to ensure that CCL is adequately funded by the State to provide reliable and meaningful services and that CCL inform parents about its functions and limitations.

#### **43. Child Care Facilities Licensing**

Sonoma County has a shortfall of approximately 6,900 child care spaces while family child care providers and child development centers face regulatory barriers to building capacity through expansion and new facilities development.

**Action:** Support legislation which would reduce state regulatory barriers and increase opportunities for child care capacity expansion.

#### **44. Health Care Coverage for Persons Released to Sonoma County in Realignment**

The state's final FY 11-12 Budget restructured the state-local relationship shifting funding and responsibility to local government for more than \$10 billion in services including Public Safety and Health and Human Services programs (2011 Realignment). The realignment of public safety program includes the County assuming responsibility for state prison inmates released to post-release community supervision and certain non-violent, non-serious, non sex offender populations. The Department of Health Services strongly supports enrollment of transferred inmates into Medi-Cal or CMSP health insurance coverage effective upon release; assignment of a medical home; and provision of in custody or out-of-custody health (e.g., mental health; substance use services) and social support (e.g., employment services) services required to improve outcomes and produce cost efficiencies. In addition, over a two year period, the 2011 Realignment will realign funding for community mental health services; mental health allocation; EPSDT; Drug Medi-Cal; Non-Drug Medi-Cal; Perinatal; Drug Court. When the Governor signed the budget it was recognized that additional work would need to be done to refine the financing structure and constitutional protections would need to be provided to counties.

**Action:** Support efforts to put in place required processes to ensure inmates are enrolled in Medi-Cal/CMSP effective upon release; assigned to a medical home; and that they receive in custody and community-based health and social services. Support legislative efforts or ballot initiatives to provide adequate base funding and constitutional protections to counties for realigned services.

#### **45. Elimination of Fingerprinting Requirement for Participation in CalWORKS Program**

The Governor approved legislation in 2011 which eliminated the fingerprinting requirement for persons applying for CalFRESH assistance; however, a commensurate elimination of fingerprint requirements for CalWORKS was not approved. Fingerprinting has not been proven to reduce instances of fraud, but does create a barrier for both applicants and for counties, as getting fingerprinted can be difficult for persons who live in rural areas without access to transportation.

**Action:** Support legislation to repeal the fingerprinting requirement for CalWORKS applicants.

#### **46. Additions to Workforce Investment Act**

Legislation introduced in 2011 would require local workforce investment boards (WIBs) to spend a certain percentage of federal funding on workforce training, penalize WIBs that do not meet all federal performance standards by making them ineligible for state funding, and require WIBs to work with apprenticeship programs.

**Action:** Oppose all legislation that would add state mandates to federal Workforce Investment Board requirements, resulting in unfunded state mandates.

#### **47. Source Certification and Local Foods**

Locally grown, fresh fruit and vegetables benefit the health of consumer, the health of the environment and the vibrancy of the local economy. State regulation provides for the necessary protection of public health through ensuring fresh fruits and vegetables are safe and free of contamination. For local producers, the State provides for an “approved source” certification process. However, this process is not clearly defined leaving local governments without clear direction or standards by which to certify local producers. As a consequence, many producers are unable to obtain certification. Without certification, vendors – such as those at farmers markets, independent grocers, and school cafeterias – assume liability for any illness associated with the food’s consumption. This liability is a significant deterrent for many vendors to accept food from non-certified producers, thus restricting the flow of local, fresh food to the community.

**Action:** The County supports efforts to

- Seek and support legislation to clearly define standards and definitions related to approved source certification;
- Engage the California Department of Public Health in developing processes for certifying local producers.
- Support efforts to incorporate more local products into USDA Foods (formerly known as commodities) programs for school meals.
- Seek support for the infrastructure necessary for local and regional food systems to thrive. Infrastructure such as on-farm processing equipment and aggregation, distribution, and processing facilities would strengthen regional food hubs, Farm to School, value-added production, and other rural development programs.

#### **48. Local Foods Efforts**

The need exists to enhance the economic development of local farms and ranches, while coordinating food systems work in the community to increase food access and public health. There is not an adequate and reliable source of funding to support these efforts by County departments (Agricultural Commissioner’s Office, UC Cooperative Extension, Health Services, and other departments).

Initiatives to support local agriculture and healthy communities are components of the County Strategic Plan. An update on the status, recommendations, and work to promote these initiatives were presented to the Board on August 9, 2011. These initiatives are in alignment with USDA’s mission and the funding made available through the Farm Bill, including the areas of: food and nutrition; food safety, including promoting the growing and access to healthy foods; agricultural product marketing and regulatory programs; rural development, including farm worker housing; and education, including job training and resources for new farmers and green economy; and protecting natural resources and the environment through sustainable management.

**Action:** Secure federal funding, through the Farm Bill and other avenues, to support County work to enhance the economic development of local farms and ranches, and coordinating food systems in the community to increase food access and public health.

#### **49. Electronic Nicotine Delivery Systems (ENDS)**

Existing law defines an electronic nicotine delivery system (ENDS), or electronic cigarette, as a battery operated device that provides an inhalable, vaporized dose of nicotine. Besides nicotine, the solution that is vaporized includes flavors and other chemicals and toxins. The negative health effects of nicotine are well documented. In terms of the second hand “smoke” or vapor that is exhaled, further research is needed to determine the full health risks posed to those exposed. However, available evidence suggests harmful effects. The Food and Drug Administration (FDA) warns users of the potential health risks posed by these products. The FDA has not issued new regulations to control ENDS. Existing law restricts or prohibits the smoking of tobacco products in various places, including, but not limited to, school campuses, public buildings, as defined, places of employment, day care facilities, retail food facilities, and health facilities.

In the absence of Federal initiative on the topic, States and localities have been left to address the use of e-cigarettes. In California, SB 648, a two-year bill, was introduced in February 2013. The proposed law would extend existing restrictions on smoking to include e-cigarettes. As with tobacco, the law would also prohibit the advertising of e-cigarettes in any state-owned and state-occupied building, as defined.

**Action:** Support legislative efforts, specifically SB 648, that treat ENDS (e-cigarettes) the same as smoking cigarettes in regards to existing smoking prohibitions.

#### **50. Flavored Nicotine Products**

As smoking rates have declined, the industry has been resorting increasingly to tactics that make nicotine products attractive to new consumers, especially youth, serving as gateway drugs to nicotine addiction. Menthol use has long been one of the key strategies to soften the harshness of tobacco making it more palatable and has contributed greatly to facilitating smoking onset. This issue has recently been reviewed by the FDA and their tobacco advisory committee has confirmed the harmful role played by menthol flavorings, yet no federal regulation has been issued to date. These products have also been historically heavily marketed to minority populations. Today, a visit to your local smoke shop or convenience store demonstrates that tobacco and nicotine containing product displays increasingly resembling candy products, with menthol, mint, fruit flavored and chocolate products in brightly colored packaging resembling candy. Cigg-Fizz – a chocolate pop-rock like nicotine product in flashy packaging sold in California exemplifies this trend. E-cigarettes are marketed not only to existing smokers, but their use, often of flavored products, has more than doubled amongst youth.

**Action:** Support legislation which would restrict the sale of flavored nicotine-containing products in the state of California

#### **51. Healthy Eating and Physical Activity Act (SB 464)**

The Child Care and Development Services Act, is enacted for, among other purposes, the purpose of providing a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. Proposed legislation, SB 464 (Jackson), would enact the Healthy Eating and Physical Activity Act, and add it to the Child Care and Development Services Act. The bill would establish standards with respect to nutrition and physical activity for early childhood education programs, infant care programs, and after school programs conducted under the Child Care and Development Services Act, and would express legislative intent to encourage all child care providers to implement educational programs for parents that provide parents with physical activity and nutritional information relevant to the health of their children. It would strengthen requirements for physical activity, and specify allowable beverages and limit television time.

**Action:** Support SB 464 (Jackson) and similar legislation which would create new nutritional and physical activity education for caregivers and families.

## **52. TANF Reauthorization**

Authorization of TANF has been temporarily extended to September 30, 2012 by the same legislation that extended the payroll tax cut, the Middle Class Tax Relief and Job Creation Act of 2012. Ideally, reauthorization will include a revision of the Work Participation Rate (WPR). Currently, the formula for WPR ensures failure because the numerator includes all recipients who have worked 32 hours a week for a month, and the denominator includes recipients who are not required to work. Nearly 8,000 Sonoma County residents receive TANF (CalWORKs).

**Action:** Support full reauthorization of TANF including a revised definition of Work Participation Rate (WPR)

## **53. Workforce Investment Act (WIA) Reauthorization**

In 1998, Congress passed the Workforce Investment Act (WIA) as the largest single source of federal funding for workforce development activities. WIA created a universal access system of one-stop centers to provide access to training and employment services. Democrats and Republicans on the House Committee on Education and the Workforce have introduced separate legislative proposals to reform and reauthorize WIA.

**Action:** Support full reauthorization of WIA including adequate funding for youth employment programs

## **54. Elder Justice Act**

President Obama proposed \$21.5 million in funding for the Elder Justice Act for 2013. Despite continued advocacy from elder abuse prevention advocates across the country, the proposed funding was removed by the Senate.

After years of advocacy efforts, the Elder Justice Act (EJA), the nation's first comprehensive national legislation addressing elder abuse, was signed into law in March 2010. Unfortunately appropriations have not been authorized which left the provisions of this law unfunded. The EJA law has the promise of establishing federal standards for adult protective services and providing a dedicated federal funding stream for services to protect seniors and vulnerable adults from abuse. The EJA also provides funding for the Long Term Care Ombudsman to investigate abuse and neglect in skilled nursing facilities. The law also provides for the establishment of Forensic Centers on Elder Abuse and training in abuse investigation standards. The Human Services Department urges federal funding to support the Elder Justice Act as it was originally designed.

**Action:** Support federal budget appropriations for the Elder Justice Act.

## **55. Older Americans Act (OAA)**

Reauthorization of the Older Americans Act (OAA) was proposed in 2012, but not acted on by Congress. The OAA is vitally important to Sonoma County because the state funding for Area Agencies on Aging (AAAs) has been eliminated. Seniors age 60 years and older account for over 20% of the total population in Sonoma County. By 2020, seniors age 60 years and older will account for 25% of the total population in Sonoma County. Public services for older adults are limited, with the majority of services available to seniors with low incomes.

Congress passed the OAA in 1965 to address a lack of community social resources for older persons. The act established a national network of Area Agencies on Aging which oversee a variety of social services for seniors including: nutrition, elder abuse prevention, legal services and advocacy, and caregiver resources. The OAA has never been adequately funded and does not reflect the need for senior services or the population growth in people over age 60. With the elimination of state funding to support California's Area Agencies on Aging programs, it is critical that the proposed federal funding remain in place. The Human Services Department urges the reauthorization of the Older Americans Act to expand services that are not currently funded, and advocates for increased flexibility in federal regulations.

**Action:** Support the reauthorization of and increased federal funding for the Older Americans Act.

## **56. Healthcare Workforce Development**

The health care workforce of the future will be highly focused on prevention, care coordination, care process re-engineering, dissemination of best practices, team-based care, community-based care, continuous quality improvement, and the use of data to support new care delivery models. Training and educational experiences will be needed to help develop this knowledge and these skills. Current reimbursement payment policies do not support such workforce needs.

Consistent with NACO's platform, innovative organizations, providers, and local communities are developing new care models to improve outcomes and efficiency for these populations and others. These programs, which exist today in small rural towns and large urban cities, have the potential to be expanded to broader populations across the country.

**Action:** Support funding for training programs needed to meet the workforce demands that will come with health care reform. Federal funding can be directed through existing programs, such as in the Department of Labor, and/or programs can be combined with funding in the Prevention and Public Health Fund.

## **Natural Resources**

### **57. State Parks Access**

In 2011, the State planned to close five State Parks in Sonoma County and 70 Parks state-wide. In response, Sonoma County Regional Parks (Annadel State Park), Valley of the Moon Historical Association (Jack London State Park), Team Sugarloaf (Sugarloaf Ridge State Park), Stewards of the Coast and Redwood (Austin Creek State Recreational Area), and the Sonoma/Petaluma State Historic Parks Association (Petaluma Adobe State Historic Park) signed operating agreements with California Department of Parks and Recreation to keep these parks open as allowed by state legislation.

Then, in the summer of 2012, the Governor signed AB1478 which, among other things, places a moratorium on closure of State Parks for two years and provides that the State may match monies from third party donors and partners that entered into agreements with the State to keep parks open. This action was in response to the discovery of previously-unreported State Parks funds.

The closure of these parks would have had significant impacts on the County. County Departments, including the Sheriff, Emergency Services, and Regional Parks, would have been expected to address emergencies and other problems in closed State Parks, such as fire risks, vandalism, medical problems, trespassing, and property damage. State parks are an important draw for tourists to visit Sonoma County, and fewer open parks would have reduced the value of the County as a tourism destination. Closure would have diminished the value of integrated open space connecting Regional Parks to State Parks, which in many cases are adjacent (such as Spring Lake and Annadel, Hood Mountain and Sugarloaf Ridge, forthcoming North Slope Sonoma Mountain Trail and Jack London).

In addition to parks access, the County remains very concerned about the ongoing threat of Sudden Oak Death (SOD) in county parks and open space. SOD threatens the survival of tanoak and several oak species in California, and has afflicted tree populations along the coast since 1995. SOD has killed more trees this year than in the last two years. Sonoma County is experiencing the worst tree mortality of any county in the State. The Forest Service conducts annual aerial surveys over California forests to document damage. The 2012 survey reflected a significant increase in SOD's impact on the North Coast. An estimated 136,918 of the newly dead trees, predominantly tanoaks, are in Sonoma County. In this county an estimated 105,000 acres are infected. In January 2008, the Sonoma County Department of Emergency Services and the University of California Cooperative Extension (UCCE) released the Sonoma County SOD Strategic Response Plan, citing threats ranging

from falling trees to habitat and economic losses. This followed their 2006 launch of successful education and outreach program designed to mitigate the spread of the disease, and to manage the increased fire hazard resulting from the disease. Early detection is crucial to management. In spring of 2012, as part of an annual field inspection, hundreds of trees were examined for SOD in Sonoma County and 278 suspect trees were tested for infection. Of those tested, 46.4% came back positive for SOD. The proportion of infections in this small sample of trees illustrates the potential severity of the issue throughout the entirety of Sonoma County.

**Action:**

- Continue the FY2012-2013 Operating Agreements in FY2013-2014 to provide sufficient support to organizations and agencies that entered into operating agreements for state parks in Sonoma County.
- Utilize all existing legal tools pursuant to AB 42 (Huffman, Statutes of 2011, Chapter 450,) and subsequent legislation to allow non-profits, local governments, and businesses to operate Parks, so long as the operations sufficiently protect the parks' natural resources, public access, and are consistent with other public values associated with state parks. The Legislature and Governor must ensure that unfunded management and public safety costs for closed state parks do not shift to Sonoma County and regional agencies, given State Parks discovery of previously undisclosed funds.
- Provide State funding sufficient to keep the five state parks proposed for closure in Sonoma County open consistent with the signed operating agreements and to provide State matching funds for moneys expended by third party donors and partners per AB1478 and AB1589.
- Ensure State Parks rangers from other areas continue to respond to calls for service in all state parks.
- Support legislation to allocate funding to support Sudden Oak Death monitoring, education, fire fuel mitigation and hazardous tree removal, for all affected County departments and agencies.
- Oppose efforts to require "Iron Rangers" to be placed on state beaches in Sonoma County to fund state park general fund needs.

**58. Funding for Implementation of AB 3018**

The emerging green economy requires a trained "green" workforce and AB 3018 (Nunez, 2008) was passed recognizing that this is a necessity. AB 3018 sets forth a plan to develop a green-trained work force but does not provide program funding, thus becoming an un-funded mandate. The training programs are available and desperately needed, but there is no funding appropriated for the program.

**Action:** Advocate for state budget action to fund green-trained work force development. Advocate that Proposition 39 funds be utilized appropriately to train the workforce in this field.

**59. Fishery Restoration Programs and Funding**

Remnant populations of Coho salmon in the Russian River are endangered and a multi-agency captive broodstock program has been developed to assist in their recovery. Hatchery operations and production of fish are coordinated by California Department of Fish and Wildlife. The University of California and Sea Grant conduct monitoring of released fish as they rear in Russian River tributaries and subsequently migrate to the ocean in the spring. This information is used to evaluate the success of the recovery program and adaptively manage it to maximize the likelihood of long term success resulting in self-sustaining runs. The County strongly supports funding for Coho issues, which will allow University of California, Cooperative Extension (UCCE) to continue their work on critical natural resources throughout the county.

California allocates general fund and water bond dollars to support salmon restoration programs. The state funding forms the state/local match for federal funding under the Pacific Coast Salmon Restoration Fund. Funding from Proposition 84 for this purpose is reported to be fully expended at this time.

**Action:**

- Support funding for Coho issues which will allow UCCE and California Sea Grant to continue their work on critical natural resources throughout the county;

- Support legislative or budget action that would appropriate \$10 million in Proposition 84 funds and \$10 million in General Fund money for salmon restoration programs managed by the Department of Fish and Wildlife;
- Advocate for the Department to use the funds for projects that fulfill requirements of the State's Coho Salmon Recovery Strategy;
- Advocate for allocation of future water bond or water infrastructure dollars for coastal salmon restoration.

## **60. Groundwater Banking for Local Water Supply**

Groundwater banking is an important component of the Water Agency's water supply strategies for the future. A number of barriers at the state level stand in the way of successful implementation of groundwater banking programs locally. Barriers include the high cost of preliminary studies required to determine feasibility, uncertain authority to capture and divert storm water flows for underground injection, the need to re-designate point of use or time of use under water rights permits, and unwarranted regulatory restrictions on injection of surface water in underground aquifers. Legislative action and participation in development of regulatory policy could be very valuable in moving local groundwater banking programs forward.

### **Action:**

- Advocate for funding for groundwater banking programs in future statewide water bonds or other infrastructure funding initiatives;
- Support or sponsor legislation and regulatory policy to expedite regulatory approval and permitting for groundwater banking programs.

## **61. Recycled Water**

The state of California has recognized the importance of recycled water for meeting future water needs in the state and has set statewide goals to increase distribution and use of recycled water. However, existing statutes continue to regulate recycled water as a waste rather than a resource, resulting in burdensome rules that have the effect of delaying and increasing the costs associated with reuse initiatives like the North Bay Water Reuse Authority programs and other projects under development by local sanitation districts and cities.

**Action:** Participate in developing recycled water legislation to advocate for language that facilitates implementation of recycled water projects in ways that are fully protective of public health, surface and ground water quality. Support legislation and regulatory policy that promotes efficient implementation of recycled water projects throughout California.

## **62. Water Well Logging**

County entities are developing groundwater management plans for several groundwater basins in Sonoma County. These agencies are also required by state law to conduct ground water monitoring in all of the identified groundwater basins. Local efforts in both areas depend on access to geological information recovered by drillers and landowners when wells are drilled. The legislature recognized this need in approving a bill introduced by Senator Pavley in SB 263, 2011 and SB 1146, 2012), requiring that water well log data be made available to professionals conducting such studies.

**Action:** Support or sponsor legislation and administrative policy to improve access to well log information for groundwater planning and monitoring.

## **63. Williamson Act Funding**

The Williamson Act (the Act), established in 1965, has helped preserve Sonoma County's rich and productive farm and ranch lands by providing property tax incentives to keep land in agricultural uses. Sonoma County has over 273,000 acres enrolled in the Williamson Act, and has lost approximately \$450,000 in subvention payments.

Due to the ongoing budget crisis, beginning in Fiscal Year 2009-2010, the Governor has not funded the subventions to counties. In 2011, the Governor signed legislation (AB 1265) authorizing counties to shorten the contract term of Williams Act contracts from 10 years to 9 years, and capture the 10% increase, in part to offset losses to counties. In November 2011, the Board of Supervisors declined to implement AB 1265 due to concerns about increasing the tax burden on farmers and ranchers. This demonstrates the need for the Legislature and Governor to develop and fund a long-term plan for the Williamson Act, in order to ensure that agriculture and open space are preserved into the future.

**Action:** Support legislation and budget language which that fully funds the Williamson Act at its highest historical levels; supports new and innovative funding alternatives to replace lost subvention payments; **and** develop long-term solutions, including locally developed and approved options that create a reliable funding stream to protect the Act.

#### **64. Certificates of Compliance, Agricultural Land Conservation and Funding**

Under the state Subdivision Map Act, Certificates of Compliance are used to recognize parcels created by old deeds, patents and early subdivision maps. Certificates are also used to recognize “fragment lots” that result from intersecting lines of old deeds and maps, one laid on top of the other. Certificate parcels are usually inconsistent with the dwelling unit densities in the General Plan, but the County has no authority to deny or place conditions on these Certificates.

**Action:** Sponsor and/or support legislation that would restrict or eliminate the use of Certificates of Compliance for lots created prior to implementation of the public agency review provisions of the Subdivision Map Act in 1929, and for “fragment lots”; and that create (1) Amendments to Government Code Section 66499.35 to restrict or eliminate the use of Certificates of Compliance on parcels created by subdivision maps prior to 1929. (2) Amendments to Government Code Section 66499.35 to restrict or eliminate the use of Certificates of Compliance for “fragment lots.”

#### **65. Weights and Measures Device Registration**

Mandated inspection programs to verify accuracy for weighing and measuring devices are partially funded by an annual device registration fee. This is the most significant funding mechanism for Weights and Measures inspection programs. AB 1623 (Yamada, 2012) extended the authority to collect the fee until 2016.

**Action:** Support legislation that would extend or eliminate the repeal date in the Business and Professions Code Section 12246 pertaining to Weights and Measures Device Registration Fees, and allow for increased fees to offset cost increases.

#### **66. Habitat Conservation Plans and Other Efforts Necessary to Comply With the ESA’s “Take” Prohibition**

The federal Endangered Species Act (ESA) prohibits “taking” any endangered species without specific authorization. Obtaining this authorization, whether through the ESA Section 7 process for projects with federal funding or a federal permit or through Section 10 for other projects, typically involves an extensive conservation planning effort. Once “take” authorization is granted, significant financial commitments are required to implement conservation programs. The cost of the comprehensive conservation planning effort can make individual projects financially infeasible. Public funding sources for conservation planning efforts under the ESA are very limited.

**Action:** Support legislation that would make federal and/or state funds available for comprehensive conservation planning efforts under the ESA.

#### **67. Clean Generation Measures**



Counties should be permitted to retain the green credit associated with power generation. Power purchase agreement installation surplus generation will be deemed eligible for this treatment. Counties should be encouraged to generate more green energy by being paid the full value of solar power generated and sold to an investor-owned utility, less reasonable transmission charges.

**Action:** Sponsor or support legislation which would:

- Support increased state solar subsidies, advocate for retention of the green credit for surplus generation, and require peak rate payment for solar power generation sold to investor-owned utilities;
- Advocate for legislation which authorizes Power Purchase Agreement surplus power to be wheeled to its own other government accounts, and;
- Support additional California Energy Commission rebates over standard rebates to reflect the loss of the Federal Tax Credit and raise the California Solar Rebate should be raised back to its initial funding level.

## **68. Public Goods Charge**

The Public Goods Charge (PGC) on electricity bills is an important funding source for programs that reduce energy use and consumer costs. A cost-effective use of the PGC is to support conservation and efficiency programs that save Californians millions of dollars through reduced energy bills, reduce the demand for additional electricity generation and transmission capacity, and support a thriving sector of the clean economy. The County of Sonoma Energy and Sustainability Program coordinates the Sonoma Energy Watch Program (SCEW), a Local Government Partnership with Pacific Gas and Electric. SCEW is regarded as a leading Energy Watch program in the region having served over 150 customers, saving over 5,000,000 kWh per year (enough to power 330 homes), saving over \$650,000 for clients, and reducing greenhouse gas emissions by 1,500 tons of CO<sub>2</sub> per year. Combined with the resources afforded by the local Energy Independence Program and Energy Upgrade California, local government input on the use of PGC would leverage the success of these programs and the one-stop-shop model of service delivery.

**Action:** Support legislation and language in regulatory action which:

- Includes local government input on Public Goods Charge uses to increase the success of energy efficiency programs;
- Increases direct funding of local government energy efficiency programs from the Public Good Charge before the CPUC and in legislation;
- Extends the utility public goods charge for energy efficiency and related programs;
- Ensures local government entities such as the County or the Regional Climate Protection Authority are eligible to administer energy efficiency programs funded from the public goods charge.

## **69. Wheeling Energy**

Existing legislation, AB 2624, allows local government to apply excess renewable power produced from a customer account as energy credits against charges for power delivered to one or more of its other accounts. This option allows for local government to take advantage of a generation at a site compatible with renewable generation installations and apply the credits for overproduction of electricity to a less compatible site. Private sector entities and consumers would like this same option for supplying power (through credits) to their selected benefitting accounts (other business sites, family members, etc.).

**Action:** Support the passage of legislation that would allow private sector entities and consumers to apply credits from overproduction of electricity from one account to another account.

## **70. Community Choice Aggregation**

The Water Agency and the County engaged in developing feasibility studies for development of a community choice aggregation program (Sonoma Clean Power) that provides local residents and businesses with an

alternative source for procuring power. A joint powers authority has been formed to develop and implement the Sonoma Clean Power entity, including an independent Board of Directors that is currently governing the entity.

**Action:** Monitor future community choice legislation and oppose bills that have negative impacts on Sonoma Clean Power. Support legislation that reduces cost or removes barriers to implementation. Submit filings and testimony before the California Public Utilities Commission regarding utility cost allocation, energy efficiency programs and other issues impacting Sonoma Clean Power.

## 71. County Climate Initiatives

The County of Sonoma is dedicated to combating the impacts of climate change. Beginning in the 1990s, the Board of Supervisors took steps to ensure that the County of Sonoma has operated in an environmentally sustainable way.

In keeping with the County's long history of environmental leadership, in 2006, General Services was authorized and directed by the Board to develop and implement a Climate Protection Action Plan (the Plan) which focused on optimizing the energy efficiency of buildings, the "greening" of County fleet assets, and a reduction or modification of employee commute levels and patterns. Since then, in collaboration with the Sonoma County Transportation Authority, the Sonoma County Water Agency, the Cities in Sonoma and non-profits such as the Climate Protection Campaign (CPC), the County's General Services Energy and Sustainability Division created a model for a regional program titled the Regional Climate Protection Coordination Program (RCPCP). The RCPCP was conceived to strategically address the issues related to climate change (including AB 32 and SB 375) and to provide a coherent framework to harness the tools, resources, and energy needed to effectively implement its elements, measure success, and make course corrections.

### **Action:**

- Sponsor legislation and budget actions that support the Sonoma County Climate Protection Action Plan and Community Climate Action Plan.
- Support CARB or CPUC rule making and/or support or sponsor legislation that would ensure that local climate protection programs contribute to the state's carbon emission reduction goals and that local government can secure the market value of the carbon reductions resulting from local government programs.
- Sponsor or support legislation that would improve accountability in allocation of utility public goods funds and ensure that local agencies have a voice in local allocation of these funds.
- Sponsor or support legislation to develop community scale greenhouse gas reduction programs that are eligible for an allocation of carbon value from the state's cap-and-trade program.
- Prioritize projects that reduce or prohibit development and vehicle miles traveled potential on conservation lands, open space, agriculture and working lands, and important watersheds.
- Promote projects that enhance natural system functions whereby greenhouse gases are sequestered at a greater rate than the status quo.
- Achieve a portfolio of rural and urban investment projects to maximize statewide coverage.
- Promote new and innovative programs and projects that reduce or sequester greenhouse gases, including urban greening and land use planning.
- Identify synergies or multi-benefit attributes of coordinating or leveraging other federal, state, local, and private funding sources.
- Support legislation and/or budget language that ensures any new programs to reduce greenhouse gases or respond to climate change are implemented sensibly, equitably, and effectively, and recognize avoided conversion. Further, advocate that any new State mandates include full cost recovery by Counties. Support budgetary action to fund local implementation of AB 32 and SB 375 requirements. Support focus on parks and open space lands, as public natural resources, in providing offset credits.
- Oppose efforts to redirect cap-and-trade revenues to unrelated budget program areas.

## **72. Electric Vehicle Charging Stations**

With the installation of electric vehicle charging stations for public use, there is a need for the charging station owner to have an option to recover the costs for operation of the charging station. Under current law, only utilities can bill for actual consumption of energy; charging station owners only have the option of establishing a fee structure for charging station use. Due to the factors of vehicle type, time connected to the charging station, condition of the vehicle charging system, etc., the calculation of a reasonable and accurate fee is not possible. Electric vehicle charging station owners need the ability to bill charging station users based on actual consumption of (kWh).

**Action:** Support State and Federal legislative action to allow electric vehicle charger owners to bill electric vehicles on a usage (kWh) versus fee basis, in compliance with Proposition 26.

## **73. Single Sourcing Based on Green Standards**

Sonoma County supports state action to develop “Green Standards” for single source procurement/sourcing decisions as they relate to the purchase of goods and professional services. As many of the standards today are self-certifying, the appropriate criteria would need to be established so that it is fair for all parties. Developing green preference programs, for example, would allow true benefits to be realized by suppliers. Similarly, expanding existing law to include incentives for suppliers that objectively demonstrate certifications in particular areas, promotes expertise and an overall acceleration of green projects. Local government agencies will benefit from any legislative processes that help support and govern such green procurement policies.

**Action:** Support legislation that authorizes local procurement agencies to single-source green goods and professional services, and that provides incentives for suppliers to objectively demonstrate certifications, expertise, and overall acceleration of green projects.

## **74. Storm Drain Maintenance Assessment Districts New NPDES Water Quality Standards**

Storm drains are separated by law from sewer drains. To form a maintenance district and assess property owners to fund storm drain maintenance requires a high threshold of voter approval (66 2/3 %).

**Action:** Support legislation that equates funding mechanisms for storm runoff standards with funding standards for clean water standards and for water sewer treatment, as well as lower the voter approval threshold to form storm water maintenance district to 60% or less of property owners.

## **75. Air Pollution Program Efficiency and Effectiveness**

Legislation and state regulations and policy substantially shape local air pollution control programs. Each year, legislative efforts, as well as rules and policies, are proposed at the state level. Air pollution control districts, the ARB, and the CEC currently fund grants to incentivize cleanup of various pollution sources. Some of these grants are supported with state funds, others with local funds. Incentive programs are an increasingly important tool to achieve reductions in air pollution, including pollutants that harm public health and/or contribute to climate change.

In 2013, legislation sponsored by the air districts through the California Air Pollution Control Officers Association to extend several existing grant programs (AB 8, Perea) was approved. That bill calls for a continuing stakeholder process to evaluate the performance of the programs and make recommendations to the legislature. Air Board staff will be invited to participate in that committee. Incentive funding is also needed for sectors not addressed, or inadequately addressed, by existing incentive programs (for example, large scale incentives to replace old, high-polluting woodstoves and fireplaces). Any new incentive programs need to be efficient and effective, and also allow implementing agencies to recover the costs of administering those programs.

**Action:** Support air quality bills or efforts that improve air quality or public health protection and enhance or do not restrict the District's authorities. Work to minimize negative program impacts and costs. Oppose or seek to change air quality bills or efforts that harm air quality or public health, or that restrict air district authority or impose significant unfunded obligations. Support budget initiatives, legislation, or regulatory changes to increase funds available for incentive programs to reduce air pollution, reduce incentive program complexity and enhance incentive program efficiency and effectiveness.

#### **76. Manufacturer's Extended Product Stewardship for Discarded Items**

Many existing products and several new waste streams have been identified as hazardous waste when discarded, requiring the County to provide for collection and load checking to remove these wastes from the waste stream. The state has provided funding assistance for only a limited number of these items (used oil, Cathode Ray Tubes (CRTs)). Collectively, these waste streams are costing the County hundreds of thousands of dollars to manage annually. These increased costs have resulted in new and increased tipping fees at County disposal sites, and have also increased the incidents of illegal dumping. Electronic waste has emerged as a major concern in waste, and requires attention and action from the Legislature.

**Action:** Support extended producer responsibility (EPR) legislation to include mercury-containing (fluorescent) lamps, electronic devices (in addition to CRT's), batteries, and other hazardous items that are prohibited from landfill disposal.

#### **77. Property Assessed Clean Energy (PACE)**

Property Assessed Clean Energy (PACE) programs are innovative local government financing programs that allows a property owner to apply for funds to pay for energy efficiency and renewable energy improvements that will reduce their energy costs. Participation in the program is voluntary and repayment is accomplished through a property tax assessment on the participating home or business. An increasing number of local jurisdictions have implemented PACE programs as an economic development strategy, an environmental protection strategy, and as a means of helping home-owners and business clear the primary barrier to efficiency upgrades: steep up-front costs.

PACE financing does not constitute a loan, but instead is built on traditional tax assessments, which local governments have managed for over 100 years. PACE does not increase the risk of homeowners, business owners, lenders, or the financial system, and was created with stringent operating rules, to ensure a net positive benefit to all parties. However, the Federal government has yet to recognize PACE programs as providing these benefits or as a local property tax lien.

**Action:** Support State and Federal legislative action to ensure the ongoing recognition of Property Assessed Clean Energy (PACE) bonds as assessments and support the Sonoma County Energy Independence Program

#### **78. New Funding Sources for Renewable Energy Projects**

In November 2012, California voters approved Proposition 39, an initiative which closes a corporate tax loophole and provide about \$550 million annually for clean energy and energy efficiency programs. The measure directs the funds to be used for energy efficiency retrofits and alternative energy projects in public facilities and for other purposes. The legislature will be responsible for determining the allocation of funds to eligible participants. Proposition 39 will be an important source of financial support for local clean energy and energy efficiency programs and may a source of funds for new programs like Sonoma Clean Power.

**Action:** Sponsor or support legislation or budget language that provides opportunity for local agencies to receive funding from the Clean Energy Job Creation Fund to be implemented under Proposition. Advocate for development of an effective local government program under Proposition 39 with the administration and especially with the Energy Commission and the Public Utilities Commission.

## **79. Summer Youth Ecology Corps**

The American Recovery and Reinvestment Act (ARRA) provided \$1.2 million for a youth summer jobs program. The Sonoma County Water Agency, Workforce Investment Board, Human Services Department, the Office of Education, and the nonprofit New Ways to Work combined forces to create the Summer Youth Ecology Corps. This program provided jobs, environmental education, and workforce skills to 300 young people aged 14-24. New sources of funding are needed to carry this program into future years.

**Action:** Sponsor or support state legislation or budget appropriations which would fund the Summer Youth Ecology Corps.

## **Criminal Justice**

### **80. Funding Responsibility for Civil and Criminal Grand Juries**

The state, through trial court funding, has transferred court fiscal responsibility to the state. The fiscal responsibility of criminal and civil grand juries was not included in the transfer. Since the County lacks control over activities, expenditures, and investigatory activities (which include county agencies and officials as well as special districts and cities) of grand juries, it is reasonable that the fiscal responsibility should also be transferred to the State. Grand juries report to the presiding judge and the presiding judge can order the county to increase funding for grand juries if a request is made and approved.

**Action:** Support legislation that would transfer fiscal responsibility of civil and criminal grand juries to the state since Government Code Section 914 allows the presiding judge to approve expenditures in excess of budget.

### **81. Reimbursement for Court Security Costs**

Pursuant to Government Code Section 69922, the Sheriff's Office is obligated to provide security for the local Court. For the past several years, funding for court security services has been provided through the State Trial Court Trust Fund as a payment from our local Court. Many costs have been either non-eligible or not allowed to be paid until additional funds were allocated to the local Court by the State Legislature. These costs include new hire and ongoing general deputy training, initial uniform and equipment, Lieutenant's time managing the Court Security Bureau, professional services such as payroll and accounting, general overhead, retiree health care, 4850 costs, and costs to transport inmates to and from court.

As part of the 2011-12 State Budget, the legislature enacted a "realignment" of State program responsibilities and revenues to local government. With the passage of AB 118, the Local Revenue Fund 2011 and various subaccounts, including the Trial Court Security Account, were created in the State Treasury. Funding is provided through specified tax sources and other monies. The Trial Court Security Account monies are allocated monthly by the State Controller to the counties. Certain court security costs not funded in the past will be eligible to be reimbursed, if monies are sufficient in the Trial Court Security Account. These costs include the Lieutenant Pay and professional services.

Confusion still exists with exactly what can and cannot be funded since the Administrative Office of the Courts rules and SB 1396 still apply with regard to the billing principals of negotiated security contracts. The legislative language needs to be consistent and allow the broadest use of the funds so that counties are not responsible for payment of Court costs. Ideally new legislative language should also allow for expansion of the funds to apply to costs required for the transportation of inmates to and from Court facilities. Additionally, realignment funding for court security ensure that future funding includes cost of living adjustments and allows for additional costs related to new judgeships, expansion of court facilities, or other conditions requiring additional court security personnel.

**Action:** Support Legislation that allows counties to be reimbursed for all costs for court security; Provides future court security funding to the counties with cost of living adjustments, provisions for new judgeships, changing or expanding court facilities, and other events that require additional court security personnel or security costs; allows for other court security related items, such as transporting inmates to and from Court facilities, to be considered as eligible costs for realignment funding. Clean up language in the Superior Court Law enforcement Act of 2001 (SB 1396) to be consistent with the Realignment Act of 2011 (AB 118); Revise Government Code 69922 as a result of the State's Realignment Act of 2011 (AB 118); Clarify the definition of what Court Security costs are and provide that all court security costs shall be reimbursable; and Expand the eligibility of costs to include transportation of inmates.

## **82. County Correctional Facilities and Funding/Overcrowding**

Sonoma County projects the County jail will reach its inmate population capacity by 2025. State prison reform efforts have shifted many state inmates to the county jail, further reducing available capacity. The estimated cost to consolidate and expand the County's main adult detention facility to house the increasing inmate population is \$400 plus million. Furthermore, a panel of three federal judges has ordered the state to reduce the state prison population by over 40,000 inmates.

**Action:** Support legislation that enhances diversion strategies, to prevent offenders from further involvement in the criminal justice system, e.g. mental health treatment, substance abuse treatment, vocational training, and adult probation supervision; and support proposals to provide state funding to maintain and expand County correctional facilities to house increasing inmate populations, and to fund viable jail alternatives.

Oppose legislation that complies with the federal court order by shifting more State prison inmates to county jails and/or county probation, and releases dangerous felons into our community, for lack of a secure state facility to house them through the end of their sentence.

## **Development, Administrative Support & Fiscal Services**

### **83. Adaptive Management Practices**

Current CEQA rules require development and evaluation of a stable project description that does not change during the life of a project. Many of the Water Agency's fishery and habitat restoration projects use an adaptive management approach that is not easily implemented under the terms of CEQA in its existing form. Reform legislation would be an opportunity to seek modifications to CEQA that enable greater use of adaptive management methods while maintaining and even improving the environmental protections afforded by the law.

**Action:** Monitor development of CEQA reform legislation in Sacramento and support language that maintains the full integrity of environmental protections afforded by CEQA. Support amendments to CEQA legislation that would facilitate environmental review of projects the employ adaptive management methodology.

### **84. CEQA Reform, Tiering of Environmental Documents**

Recently, the CEQA Guidelines were modified in response to a 2002 lawsuit by the Citizens for a Better Environment (CBE vs. California Resources Agency). One effect of these changes was removal of specific guideline language (CEQA Guidelines Section 15152 (f)(3)(C)), which previously allowed agencies to "tier" a Mitigated Negative Declaration for a project on a previous Programmatic EIR, so long as no new, unmitigatable significant impacts are identified. Even if significant impacts were identified for the subsequent project, a mitigated negative declaration could still be used so long as the impacts were identified and found to be acceptable in the previous EIR (i.e., findings were made in support of a Statement of Overriding Considerations). The County has numerous Programmatic EIRs (General Plan, Arm Plan, Airport Master Plan, etc.) upon which environmental documentation for a wide array of future projects should be able to tier, without the preparation of

new EIRs. Given confusion over the new CEQA Guidelines, agencies may now need to prepare new EIRs to address subsequent project impacts, even if they were previously analyzed and, if found to be significant, overridden. This is in direct conflict with longstanding CEQA principles in support of document tiering, and is in direct conflict with CEQA process streamlining.

**Action:** Support amendments to streamline CEQA statute and/or guidelines to clearly provide for the tiering of mitigated negative declarations on Programmatic EIRs, including situations where the subsequent project would have significant unavoidable impacts that were adequately identified in the Programmatic EIR and allow for multiple projects within a given area to share recent environmental data collected in the area.

#### **85. CEQA Reform: Last Minute Information Submittal**

The CEQA statute allows potential litigation issues to be raised very late in the decision-making process, well after the close of the public comment period. Despite prescribing very clear and publicly noticed review periods during which anyone can submit comments on the adequacy of CEQA documents, the statute also allows new information (and future causes of action in litigation) to be inserted into the process at any time prior to the close of the last public hearing before final project approval by the lead agency (PRC Section 21177[a]). Project opponents regularly take advantage of this provision to introduce voluminous information about environmental issues at the last minute, with the intent and effect of disrupting the project review process and delaying the decision while the lead agency scrambles to ensure that every issue is adequately addressed. At its most troublesome, this information consists of material that could have been known and submitted earlier or that duplicates earlier submittals. This practice diminishes the importance of the orderly public review opportunities included in the CEQA process and often introduces substantial uncertainty into the decision-making process at the eleventh hour.

**Action:** Amend the CEQA statute to limit the introduction of new environmental information after the close of comment periods, with an exception for significant new information that could not have been known earlier. Further, amend the statute to enhance public review opportunities prior to final decision.

#### **86. CEQA Reform: Increase Defensibility of Negative Declarations**

The fair argument standard creates a very low threshold for a lead agency's decision to prepare an Environmental Impact Report (EIR) instead of a Negative Declaration (ND) or Mitigated Negative Declaration (MND). In many cases the standard has appropriately encouraged lead agencies to be accountable for sound environmental planning. However, the fair argument standard has not evolved, while the level of detail and sophistication of environmental analysis in ND/MNDs have improved dramatically in the nearly four decades since the standard was codified in *County of Inyo v. Yorty*. Consequently, unnecessary and costly EIRs have been required in circumstances where well-prepared ND/MNDs can and should suffice. As CEQA practice has matured, NDs and, particularly, MNDs, have evolved such that many now contain a thorough, well-supported discussion of environmental impacts and mitigation measures, with technical studies and other substantial evidence included to support the conclusion that "clearly no significant effect on the environment would occur" after mitigation (14 CCR Section 15064[f][2]). In this way, many MNDs now fulfill the essential disclosure and mitigation purposes of CEQA. Despite this evolution in the effectiveness of ND/MNDs, the only question that really matters is whether any substantial evidence exists to suggest that the project may have a significant impact. Under the fair argument standard, an EIR is required even when other substantial evidence clearly and convincingly shows that the project will not have a significant effect.

**Action:** Support legislation that balances more stringent standards for responses to public comments and greater opportunities for public review throughout the CEQA process with a more deferential standard of review for Negative Declarations and Mitigated Negative Declarations that have been subjected to this more rigorous review.

#### **87. Tribal Issues**

Federally recognized Indian tribes can develop lands held by the federal government in trust, without regard to local land use plans, such as the County General Plan. Further, such developments can have a number of impacts on the County, its citizenry, services, lands, and infrastructure that the County may not have the ability to mitigate. Recognizing this, the Board has adopted resolutions and provided policy direction both on specific development proposals, as well as more general matters, regarding tribal gaming and other development on tribal lands. Board policy has included opposing tribal gaming and insuring that the impacts of tribal development projects approved by the BIA are fully mitigated. In addition, the Board and County staff have actively participated in developing policy which deals with these issues regionally, and on state and national levels.

**Action:** Monitor and support efforts to enact legislation and regulations consistent with California State Association of Counties (CSAC) and National Association of Counties (NACo) policies, prior and future Board resolutions, and policy direction with respect to tribal recognition, fee-to-trust reform, and development proposals. Oppose legislation and regulations that are inconsistent with the above.

### **88. Workers' Compensation**

Since passage of SB 899 (Poochigian, 2004), Workers' Compensation Reform, labor representatives, and the workers' compensation applicant attorney bar have sought legislative support for weakening the just-enacted reforms, pressed the Administrative Director to produce weakened guidelines, and pursued legal challenges to the reforms of SB 899. Previously, extraordinarily high Workers' Compensation costs experienced by Sonoma County and other public employers resulted in the need to divert important discretionary general funds away from other identified needs to offset this growing liability. Further, the claims adjudication system became unbalanced to the point that common sense often did not prevail in the determination of benefits.

**Action:** Resist all legislative and administrative efforts aimed at further reducing improvements made to the workers compensation system through SB 899. Continue to actively support the legislative platforms outlined by various statewide public employer organizations, including the California State Association of Counties (CSAC), the CSAC Excess Insurance Authority (CSAC-EIA), and the Public Agency Risk Managers Association (PARMA).

### **89. County Early Pest Detection, Surveillance and Management Programs**

County early pest detection, surveillance and management programs are critical to Sonoma County, and the entire state, as a means of preventing the introduction and spread of exotic pests. These pests can range from Sudden Oak Death, Light Brown Apple Moth, European Grape Moth, Asian Citrus Psyllid, Diaprepes root weevil and Glassy-Winged Sharpshooter, various noxious weeds, to vine mealy bug. With an 80% reduction of funding to perform these activities, in the past year the state and counties have reduced or eliminated these programs, putting the program and entire state at risk. These programs are administered in conjunction with the California Department of Food and Agriculture and USDA.

**Actions:** Support legislative and budget proposals that would:

- Provide resources for counties to perform early pest detection, surveillance, and management programs;
- Obtain broad support for programs and funding for these programs at federal, state, and local levels.

### **90. Pesticide Regulatory Activity Funding**

The costs of operating County programs are not being adequately funded in order for counties to provide the level of pesticide enforcement activities expected by the public. Specific public concern and attention is focused on air and water quality, worker safety, and endangered species.

**Actions:** Support legislative and budget proposals that would provide adequate funding to provide a robust level of service at the County level; Obtain broad support for programs and funding for these programs at federal, state and local levels.



## **91. Transportation Fee Limits**

The County has authority to issue transportation permits for extra-legal loads (i.e., over height, width or length) on County roadways. The County issues over 1,000 such permits each year. Approximately 80 percent of these permits are for one-time uses, such as moving a large piece of equipment or a building. The remaining permits are annual permits for entities that regularly move large loads.

The fees for these permits are set by the Vehicle Code at an amount not to exceed the fee collected by Caltrans for similar permits on state highways. The fees themselves are set in the California Code of Regulations. Currently these fees are \$16 for a one-time permit and \$90 for an annual permit. The time needed for County staff to process these permits is not great. However, these very low fees do not begin to cover the actual cost. Staff analysis indicates that these fees only recover just over 60 percent of the actual cost. Occasionally a permit takes many hours of staff time to ensure the transport will occur safely and, still, \$16 is the only fee collected.

**Actions:** Amend the California Code of Regulations, Title 21, Section 1411.3 to increase transportation permit fees for one-time and annual permits to \$20.00 and \$110.00, respectively; (2) Amend California Vehicle Code Section 35795 to allow local jurisdictions to charge transportation permits fees that reflect the cost of processing these permits. Support the current proposal of the Caltrans Transporter Permits Advisory Council to increase transportation permit fees by 19 percent and support efforts to move toward eventual full cost recovery for these permits.

## **92. Force Account Labor Threshold**

Use of force account labor is restricted to projects totaling \$30,000 or less under the Uniform Construction Cost Accounting Act of the Public Contract Code (The Act). Sonoma County Facilities Operations is allowed to use its in-house Building Mechanic for labor construction projects under \$30,000 including detention work for all maintenance work. The \$30,000 limit on force account labor is restrictively low and does not adequately take into account construction project costs escalation. Construction projects can be delivered effectively and efficiently through in-house labor. This threshold level is constrictive, particularly with detention work which requires additional background clearance and security measures for outside contractors up to \$125,000. Legislation approved in 2011 increased the formal bidding threshold under the Act from \$125,000 to \$175,000. However, the \$30,000 threshold on force labor accounts remains.

**Action:** Support legislation to amend the Uniform Construction Cost Accounting Act of the Public Contract Code to increase the authorized amount of force account labor for construction projects to align with the same level allowed for purchasing.

## **93. Forestville Bypass**

The project proposes to reconstruct a portion of State Route 116 with a separate link connecting to Mirabel Road. This is a significant safety improvement to this community. Portions of the right-of-way have been secured by developer subdivision process and County acquisitions.

**Action:** Support efforts for inclusion in the next federal transportation re-authorization bill.

## **94. Monte Rio Bridge Replacement**

This project proposes to replace the main structure across the Russian River that has severely deteriorated in recent years. A cooperative agreement with Caltrans will be required.

**Action:** Support efforts for inclusion in the next federal transportation re-authorization bill.

## **95. Brickway Extension**

This project proposes to extend Brickway Boulevard south over Mark West Creek to Laughlin Road. This project will provide a direct link connection to the airport area from River Road. This project will shift some traffic from Fulton Road and the Highway 101 at the Airport interchange. A major component of this project is a new bridge over Mark West Creek. Following construction of this new link, the existing narrow Laughlin Road Bridge over Mark West Creek will be closed to vehicular traffic, but will remain as an historical structure (1916 earth- filled arch). Future use will be limited to pedestrians, bicyclists, and emergency vehicle access only.

**Action:** Support efforts for inclusion in the next federal transportation re-authorization bill.

## **96. Laughlin Road Widening and Intersection Improvements at River Road**

This project proposes to widen Laughlin Road from the Brickway extension to River Road. This project includes the intersection control improvements at River Road/Laughlin Road/Woolsey Road; with the accompanying widening of segments of River Road and Woolsey Road. This signal is necessary when the Brickway extension opens to allow traffic from airport area to access River Road.

**Action:** Support efforts for inclusion in the next federal transportation re-authorization bill.

## **97. Sonoma County Transit Buses**

This project proposes to purchase eight 40 foot compressed natural gas powered transit coaches. The County and the region are committed to a comprehensive effort to improve the air quality of this area. To this end, the County has replaced the diesel bus fleet with clean burning equipment powered by natural gas. The County is scheduled to replace 8 buses over the next year to be able to maintain service on all routes. In this difficult economy, transit has become more of a necessity to the general public and these new buses will help fill any gaps.

**Action:** Seek federal appropriations for new bus purchases.

## **98. Code Enforcement Officer Access to Assessor Records**

Code Enforcement staff respond to numerous complaints alleging unpermitted construction and land use, including entirely new structures, additions and remodels to existing buildings, and creation of additional dwelling units. Investigating these allegations relies on access to various property records and permit histories. Of particular importance are historical records showing the building footprint shape, interior characteristics (i.e., number and location of bedrooms, bathrooms, kitchens, floors, basements, etc.), and changes to the structure over time. The Assessor's Office maintains "appraiser's notes" and other proprietary records that specifically provide this type of information. Access to these records is critical for a Code Enforcement Officer's determination whether unpermitted construction has occurred.

Pursuant to the Revenue and Taxation Code, Section 408, these specific and detailed Assessor's records are considered not to be public records and may only be accessed by specified members of law enforcement, the Grand Jury, various other authorized state bodies, or through written authorization from the property owner. The Assessor's office does not regard Code Enforcement Officers (as defined in Penal Code Section 829.5) as either law enforcement or an authorized state body. Property owners are reluctant to allow a Code Enforcement Officer the ability to pursue an allegation of unpermitted construction and will deny authorization.

As a result, Code Enforcement Officers only have access to "non-confidential property characteristics" information from the Assessor's Office, the same access granted to the public at large. These records are typically vague and only reflect current conditions. This general information does not provide the historical context and details required by Code Enforcement to thoroughly investigate an allegation of unpermitted construction.

**Action:** Support unrestricted access by Code Enforcement Officers to view “appraiser’s notes” and other confidential records maintained by the Assessor’s Office for the purpose of researching and investigating alleged unpermitted construction and land use. Amend the Revenue and Taxation Code Section 408 to include Code Enforcement Officers (as defined in Penal Code Section 829.5) as authorized to view Assessor’s documents not otherwise considered to be public records.

### **99. Sudden Oak Death Outreach and Control Program**

The Sonoma County Sudden Oak Death project will address the fire hazard caused by the death of thousands of trees throughout the county. Fire fuels mitigation and modeling and a comprehensive outreach program are the objectives of the project. This project contributes to the national priority of preserving the environment and supports the local community.

**Action:** Seek \$1 million appropriation for fire hazard mitigation.

### **100. Fair Share of Property Tax Administration Costs**

**Issue:** Since 2005 the State of California, on behalf of schools, has not paid any of the property tax administration costs. The prior Property Tax Administration Program (PTAP) only covered a small portion of the state’s share of the costs. (Sonoma share was \$1,035,000) The county, cities and special districts pay all cost for the property tax administration program, but get less than 40% of the property tax revenue. Having the State pay its “Fair Share” of the administration costs would provide more financial support for Assessor’s, Tax Collector and Auditor’s offices, as well as potentially reducing the county’s cost for the program.

**Action:** Seek and support legislation which would ensure that the State, on behalf of schools, provides its share of needed funds associated with administering and collecting property taxes.

### **101. Increase Flexibility in use of Public, Education and Government Cable Franchise Funds**

Under the Cable Act, a cable operator and a local community may negotiate for Public, Education, and Government (PEG) support in addition to the franchise fee payments for use of public rights of way. Sonoma County started receiving PEG funds since May 2010, in FY 10-11 total received was \$345,000, and FY 11-12 \$275,000 is expected. To date only \$6,000 has been used for equipment, as the FCC recently ruled, subject to some important exceptions, that this PEG support may only be used for facilities and equipment, and not for PEG operating expenses. Thus, cost associated with televising Board of Supervisors meetings are covered with the county’s operating General Fund.

**Action:** Support HR 1746 to remove language distinguishing between “capital” and “operating” expenses in PEG support. The bill amends the Act to ensure that PEG fees can be used for any PEG purpose

### **102. Dissolution of Redevelopment Agencies**

**Issue:** Governor Brown approved legislation in 2011 to eliminate all redevelopment agencies (RDAs) in California. The provisions of the Redevelopment Dissolution Act as initially enacted and subsequently revised have been unclear, subject to change, and in some cases apparently contrary to other laws (such as federal contract law). Additionally, the State Department of Finance (DOF) has excised broad, unilateral, and retroactive decision-making authority in implementing the Dissolution Act. Despite close adherence to the provisions of the Act, the duly appointed County Oversight Board’s decision to authorize completion of the Highway 12 and Roseland Shopping Center projects has been challenged by DOF and the two projects have been stalled pending resolution of this disputed decision.

While the elimination of RDAs will greatly impede the County’s ability to improve and expand the infrastructure, facilities, and economies of the three project areas of Roseland, Sonoma Valley Springs, and Russian River, the County as Successor Agency and the Sonoma County Community Development Commission (CDC) as Successor

Housing Entity are complying with every provision and timeline established in the Dissolution Act. The State DOF is not adhering to this same standard, and is therefore frustrating the Successor Agency and Housing Successor Entity's attempts to unwind and satisfy the former County RDA's non-housing obligations, and prudent management of the former County, City of Sebastopol, and City of Sonoma RDA's housing assets.

**Action:** Support legislation that:

- Prevents the State DOF from any retroactive application of the provisions of AB 1484 to cover a time period prior to June 28, 2012.
- Prevents the State DOF from retroactively revising or rescinding its decisions.
- Removes or reduce the State DOF's authority to overturn Oversight Board decisions that are made appropriately pursuant to the terms of the Dissolution Act.
- Enables Successor Agencies and Housing Successor Entities to use bond proceeds from issuances through December 29, 2011 (the date on which the State Supreme Court upheld the validity of the Dissolution Act) for the purposes stated in the bond indenture.
- Allows Housing Successor Entities to keep unencumbered balances of low/moderate-income housing funds for use pursuant to the housing provisions of California Redevelopment Law (CRL).
- Creates new programs or financing mechanisms to support redevelopment, infrastructure, and economic development activities.

Oppose passage of any legislation that:

- Allows the State DOF to retroactively apply the provisions of AB 1484 to cover a time period prior to June 28, 2012.
- Strengthens the State DOF's unilateral authority to overturn Oversight Board decisions that are made appropriately pursuant to the terms of the Dissolution Act.

Monitor new legislation or initiatives that:

- Revises the Dissolution Act to reform the way in which Successor Agencies will be permitted or required to implement the unwinding and final satisfaction of their enforceable obligations.
- Revises the Dissolution Act to reform the way in which the Housing Successor Entities will be allowed to take ownership of, and use, housing assets of the former RDAs.
- Amends the housing provisions of CRL to reform the way in which Housing Successor Entities are permitted or required to use housing assets, and future income from housing assets.
- Creates new programs or financing mechanisms to support redevelopment, infrastructure, and economic development activities.

## **County Supported Items with Other Lead Agencies**

### **Sonoma County Water Agency**

#### **A-1. Russian River Biological Opinion (BO)**

The Water Agency is required to implement the Recommended Prudent Alternatives and Measures and the other terms and conditions of the Biological Opinion (BO) and continue to coordinate with US Army Corps of Engineers on obtaining currently identified funding needs, identifying long-term funding needs, determining the appropriate review and approval process and federal authorization needs, and ultimately to jointly implement the alternatives and terms and conditions. Russian River Project authorization was included in the proposed 2010 House Water Resources Development Act (WRDA) legislation and will need to be included in future WRDA legislation. ARRA funding and additional Operations funding has been received to initiate some of the alternatives and measures. Over the remaining 11 year term of the BO, millions of dollars of annual funding beyond the operations and maintenance needs of the existing Lake Sonoma and Lake Mendocino facilities will be needed to meet the timelines and project needs identified in the BO.

**Action:** Support Water Agency efforts to:

- Seek legislation that would implement the Recommended Prudent Alternatives and Measures and terms and conditions of BO;
- Support reintroduction Russian River Project Authorization/Water Resources Development Act language amending existing authorization in 113th Congress and where possible use existing Corps authorities;
- Support continued appropriations for Corps authorized BO requirements in Energy and Water appropriations bills.

#### **A-2. Russian River Project: Warm Springs Dam and Coyote Valley Dam Operations**

Operations and Maintenance funding varies annually, not always adequate to fully fund hatchery operations. The Sonoma County Water Agency has pursued additional funding annually to support existing Coho broodstock program.

**Action:** Support SCWA efforts to acquire full funding of Operations and Maintenance (O&M) needs and to implement existing and expanded Coho broodstock program; Support SCWA efforts to pursue statutory or report language directing the Corps to use O&M funding for ESA purposes.

#### **A-3. North Bay Water Reuse Program**

The North Bay Water Reuse Program is a regional cooperative program in the North San Pablo Bay Region which includes as partners the Sonoma County Water Agency, Napa Sanitation District, Sonoma Valley County Sanitation District, the County of Napa, Las Gallinas Valley Sanitary District, North Marin Water District, and Novato Sanitary District. The purpose of the Program is to promote sustainability and environmental enhancement by expanding the use of recycled water. The United States Bureau of Reclamation (Reclamation) is the federal partner in this program and has already provided millions of dollars in funding toward 50% of the Feasibility Study for Phase 1.

There is an existing federal authorization for a \$100 million dollar construction program with up to \$25 million federal cost share and the ability to expand into additional phases of another \$100 million dollar construction program. Phase I construction works are already underway with an award of ARRA funds of \$7.3 million in 2011 for design and construction of multiple projects in Napa, Sonoma, and Marin Counties.

A scoping effort for Phase II of the program to increase storage and distribution of recycled water beyond Phase I projects is currently underway with cost share being provided by Reclamation and the local partners and an estimated scoping analysis completion date of early 2013.

**Action:** Support Water Agency request for additional funding for Phase I construction projects through the Water Smart Grant program administered by Reclamation; Support Water Agency request for increased grant limits for regional, multi-phase projects such as this program; Support Water Agency request for additional funding for Phase II Feasibility Study, including engineering and economic analysis and amendments of existing environmental documents, if project partners determine a desire to enter into this phase pending the results of the scoping analysis.

#### **A-4. Pacific Coastal Salmon Recovery Fund**

Appropriations of \$80 million per year were approved in FY 09 and FY 10. Proposed funding for FY 11 is \$80 million. Funds are allocated among the Pacific states based on applications submitted by the states. California disburses the funds to local projects through the California Department of Fish and Game Fishery Restoration Grant Program. SCWA Director and Supervisor Efren Carrillo is part of the selection committee.

**Action:** Support SCWA efforts to maintain future years funding and advocacy for an equal share among states. (Funding for this program, which is restoration oriented, should be kept separate from reparations for losses in fish harvest).

#### **A-5. Climate Protection and Energy Efficiency Legislation**

Legislative measures to implement nationwide reductions in greenhouse gas emissions failed passage in the prior legislative session. The 112<sup>th</sup> Congress is likely to consider less expansive measures that would make incremental progress toward increased energy efficiency, implementation of renewable portfolio standards and other items. Staff and Board members have monitored and participated in Climate Communities efforts to establish revenue streams to support local government addressing climate change.

Climate protection and energy efficiency program legislation offers an opportunity to advance local efforts by providing federal funding and policy support. Authorization language would help establish long-term program with federal cost-share.

**Action:** Support SCWA efforts to seek the introduction of legislation that authorizes a competitive grant program that addresses energy efficiency, renewable energy, and water conservation programs; Support implementation language of renewable portfolio standards and revenue streams to support local government who are addressing climate change.

#### **A-6. San Pablo Bay Ecosystem Restoration**

Water Resources Development Act (WRDA) 2007 authorized \$40 million for restoration projects in the San Pablo Bay watershed; no appropriations have been allocated. There is a need for funding allocation in appropriations bill. Existing authorization and future funding could possibly be utilized to offset costs for storage and wetland restoration for water reuse projects in the San Pablo Bay watershed.

**Action:** Support SCWA efforts to attain funding in federal appropriations bill for the San Pablo Bay Ecosystem Restoration effort.

#### **A-7. Quagga/Zebra Mussel Statewide Fee and Inspection Program**

The quagga and zebra mussels (collectively referred to as Dreissenids) are among the most devastating invasive species to invade North America fresh waters. The mussels create severe ecological and economic

impacts because, once established, they can clog water intake and delivery pipes, infest hydropower equipment, adhere to boats and pilings, foul recreational beaches, and damage fisheries. Invasive Quagga mussels are present in several California lakes and represent a threat to water supply and fish hatchery operations at Lakes Sonoma and Mendocino; both lakes are susceptible to a mussel invasion because of the high amount of year round watercraft recreation traffic and the lack of mandatory inspection.

There is no effective eradication method and the cost to remove the mussels from water intake screens and pipes could have substantial costs. Prevention of contamination and spreading of mussels is an effective way to preserve an invasive-free waterway. Proper and thorough inspection is a necessary component in the ongoing effort to eliminate the spread of mussels. Dedicated permanent funding to support permanent staff and programs is necessary to effectively prevent infestation in local water supply facilities. The U.S. Army Corps of Engineers operates and manages the recreational functions of both lakes and their support and cooperation is essential for implementation of programs to prevent mussel infestation. To date, the Corps is not operating any mandatory inspection programs at either Lake. The Corps has posted public outreach signs and is relying on voluntary, self-imposed inspections of watercrafts entering the reservoirs.

**Action:** Support Water Agency requests for increased Operations & Maintenance funding for the Corps to develop and implement a mandatory Boat Inspections Program at Lakes Sonoma and Mendocino for Invasive Species Eradication/Control. Support Water Agency request for specific Energy and Water appropriations bill report language directing the Corps to implement boat inspection programs to prevent mussel infestation in Lake Sonoma and Lake Mendocino.

#### **A-8. NOAA's Hydrometeorology Testbed Project Implementation**

National Oceanic and Atmospheric Administration (NOAA) studies demonstrated the potential value of new hydrometeorology technology for improving water resource management in California. The program introduces advanced forecasting methods developed in the US mid-continent region for severe weather studies to the western US in an effort to provide more accurate and longer range precipitation forecasts. Water managers in California manage reservoirs in the winter season for flood prevention purposes. Water is released from storage as storms approach in order to increase capacity to capture runoff behind dams and reduce downstream flooding. Availability of more accurate and longer range precipitation forecasts could enable water managers to retain more water in storage and provide a larger water supply for the summer dry season. Improved precipitation forecasting also has critical importance for flood prediction and emergency response in Sonoma County. The Russian River Watershed is one of the most flood prone regions in the nation and Sonoma County receives more Federal Emergency Management Agency (FEMA) assistance than any other county in California. Implementation of the hydrometeorology program known as the Hydrometeorology Testbed (HMT) would be performed by the NOAA Physical Sciences Division and would require \$7.6 million in funding in the federal FY 12 budget.

**Action:** Though the technology is known and proven, federal funding is necessary to implement these systems in the Western US. NOAA is requesting \$7.6 million in the administration budget for 2013 for programs that are a part of the HMT-West initiative. Support Water Agency request for federal appropriations for the NOAA Hydrometeorology Testbed program. Support Water Agency request for NOAA's senior management to direct any available discretionary funding for HMT programs. Support development of a coalition of local and regional agencies to participate in the HMT program and support additional federal funding.

#### **A-9. San Francisco Bay Restoration**

San Francisco Estuary Project is part of National Estuaries Program but receives considerably less funds than other regions. Increased funding would benefit reuse and wetland restoration projects and monitoring and research needs in the San Francisco Bay Watershed. Legislation was introduced in the 111th Congress in both the House (Congresswoman Speier) and Senate (Senator Feinstein) and is currently pending action by Congress.

**Action:** Support SCWA efforts to secure funding for the San Francisco Bay Estuary Project. Promote reintroduction of legislation in 112th Congress if not approved by the 111th Congress.

#### **A-10. Youth Ecology Corps**

Water Agency seeks to support federal and private foundation funding for the Sonoma Youth Ecology Corps program to offset local costs and/or expand employment program. National Fish and Wildlife Foundation (NFWF), National Oceanic and Atmospheric Administration (NOAA), Environmental Protection Agency, Department of Labor, private foundations and other entities may have opportunities for such grant or other funding programs. Outside funding, such as that received via America Recovery and Reinvestment Act (ARRA) funds in the past, could help to ensure ongoing operation of this very successful program that provides numerous benefits to disadvantaged and other youth in the community and assists the Water Agency in its maintenance programs.

**Action:** Support Water Agency pursuit of federal and foundation funding to sustain and potentially grow the youth employment program.

#### **A-11. Collaboration with USGS and NOAA**

The Water Agency has an ongoing need for better information regarding stream flows, water quality and quantity in both ground and surface waters, and near and long-term weather predictions. This information will help with all aspects of the Water Agency's responsibilities to provide water, reduce flooding, and provide sanitation services. The United States Geological Survey (USGS) and the National Oceanic and Atmospheric Administration (NOAA) are two federal agencies that provide technical services to analyze, monitor, and model these areas of Water Agency interest. Any opportunity to work with such agencies, support funding for such programs, and assist in development of programs that would provide more detailed and accurate information to the Water Agency should be supported.

**Action:** Monitor and support federal appropriations for research, modeling, and data collection in the areas of water quality, ground and surface water supplies, streamflows, and weather and climate predictability for related programs with USGS and NOAA. Support Agency staff collaboration with USGS and NOAA to develop and implement such programs.

#### **A-12. Agricultural Water Enhancement Program**

The Northern California Wine Country Agricultural Water Conservation and Water Quality Improvement Program is funded out of this federal funding source and focuses on construction of off-stream ponds and other water conserving infrastructure to reduce direct diversions. This particular program was approved for \$5.7 million in July 2009, and includes the Russian River and Sonoma Creek watersheds along with the Navarro and Napa Rivers.

**Action:** Support SCWA efforts to acquire ongoing funding of this program to assist agricultural interests in implementing projects that benefit fisheries, water conservation, and other watershed improvements in the Russian River Watershed and in the SCWA's service area.

### **Agricultural Preservation and Open Space District**

#### **A-13. Sonoma Mountain Habitat Preservation Project**

The District has invested \$37 million to permanently protect 4,100 acres on Sonoma Mountain through conservation easement and fee purchases to preserve important scenic, agricultural, and natural resources.



These funds would support protection through purchase of conservation easement over a 1,112-acre property that includes significant habitat types and forms the complete headwaters to Carriger Creek, a priority riparian corridor that contains Endangered Species Act listed steelhead. This easement acquisition will complete the protection of a critical legacy piece of Sonoma Mountain, and connect this key habitat and recreation area to Jack London State Historic Park.

**Action:** Support Sonoma County Agricultural and Open Space District efforts to attain federal appropriation for Sonoma Mountain Habitat Preservation Project.

#### **A-14. Mark West Creek Agricultural Diversity and Habitat Protection**

The Sonoma County Agricultural Preservation and Open Space District (SCAOSD) is working in partnership with Sonoma County Regional Parks to protect the remaining piece of a 1,076-acre natural area, which will promote agricultural diversity in Sonoma County as well as provide habitat preservation and restoration opportunities and important ecosystem services (climate mitigation and adaptation, water quality, water supply reliability, flood & storm water management and biodiversity protection). These funds would protect key riparian habitat and enable restoration of ESA-listed Coho habitat in Mark West Creek Watershed (priority area for National Marine Fisheries and California Department of Fish and Game) in the context of viable agriculture. Funds would also allow for several demonstration projects to evaluate ecosystem services and opportunities for reducing water withdrawals from the Mark West Creek Watershed.

**Action:** Support Sonoma County Agricultural and Open Space District efforts to attain federal appropriation for Mark West Creek Agricultural Diversity and Habitat Protection Project.

#### **A-15. Sonoma County Stream Channels Project**

Over 80,000 acres of land in the county are protected by the Sonoma County Agriculture Preservation and Open Space District (SCAOSD) through fee and easement. These funds will support development of a plan that – when implemented – will connect urban streams and flood control channels to upslope watershed lands, increase the number and quality of recreational trail options, and increase the number of people using alternative transportation. Additionally, implementation of the plan will support climate change mitigation and adaptation. Plan implementation will also support enhancement of wildlife corridors, habitat for aquatic ecosystems, and ESA listed salmonids and other aquatic species. The plan will be developed in collaboration among the SCAPOSD, Regional Parks, Sonoma County Water Agency, Sonoma County Regional Climate Protection Campaign, cities, non-Government Organizations, and other community groups.

**Action:** Support Sonoma County Agricultural and Open Space District efforts to attain federal appropriations for the Sonoma County Streams Channels Project.

#### **A-16. Integrated Watershed Restoration, Stewardship and Climate Adaptation Program**

The Mark West and Maacama watersheds are two Russian River tributaries with high levels of biological diversity and a large percentage of working agricultural landscapes. These funds will support the development and implementation of a comprehensive acquisition and stewardship plan for these watersheds, which will build upon existing efforts and utilize the best available data from the scientific and agency community. A foundational element of this planning process is a fine scale habitat map which will enable targeting of acquisition and habitat restoration projects, resulting in more efficient utilization and higher return on investment of acquisition, restoration and public access funds in the future.

A second key element of the plan will include the identification and evaluation of new tools and strategies to reduce conflicts among agricultural operations and ecosystem protection, such as new legal and policy tools to retain in-stream flows, expand riparian corridors and incentivize best management practices. It is expected that this plan will be exportable to other watersheds and provide technology transfer to other groups.

Implementation of this plan will support the protection, restoration and enhancement of biological diversity and open-space resources of regional importance; preservation of working landscapes; improvements in water quality, habitat, and other coastal resources, and natural resource based climate mitigation and adaptation. Key partners in this effort would include the Sotoyome Resource Conservation District (RCD), agricultural landowners, Non Governmental Organizations (NGOs) and watershed groups.

**Action:** Support Sonoma County Agricultural and Open Space District efforts to attain federal appropriations for the Integrated Watershed restoration, Stewardship and Climate Adaptation Program.

## **Sonoma County Transportation Authority**

### **A-17. Sonoma County Transportation Authority (SCTA) Projects**

As a quorum of the Sonoma County Board of Supervisors helps constitute the Sonoma County Transportation Authority and that regional transportation priorities reflect County residents needs, this Program also recommends working, where feasible, in collaboration with SCTA staff and advocates to seek transportation funding from the federal government on the following focus areas.

1. Monitor the federal process related to new federal transportation legislation – development of the successor to MAP-21 or any changes, extensions or clean up to MAP-21.
2. Monitor any efforts at the federal level to implement funding or financing mechanisms that could impact transportation.
3. Engage in administrative deliberations on project delivery and implementation at the federal and State level. Advocate for efficiencies in project delivery and cost cutting measures that enable more projects to be built.
4. Advocate for legislative or administrative proposals to increase overall funding levels for transportation infrastructure, operations and maintenance in Sonoma County. Options may include:
  - Cap and trade revenue
  - Statewide bond
  - Vehicle miles traveled tax
  - Fuel tax
  - Carbon tax
  - Vehicle registration fee
  - Vehicle license fee
5. Advocate for reduction of the voter threshold for special sales tax measures.
6. Oppose efforts to reduce or divert funding from transportation projects and support efforts to protect and preserve transportation funding.

**Action:** Support Sonoma County Transportation Authority (SCTA) efforts for inclusion in the next federal transportation re-authorization bill and support, where feasible, SCTA 2013 Legislative Platform Adopted by SCTA Board on December 10, 2012.

## Appendix A – Combined Federal Advocacy Issues

| <b>A. Top Federal Advocacy Priorities – Primary focus of Advocacy efforts</b> |   |                                      |
|---|---|--------------------------------------|
| <b>No.</b>  | <b>ISSUE</b>  | <b>NOTES</b>                         |
| 17  | Geothermal Royalties  | \$2,100,000                          |
| 18  | Family Justice Center   | \$800,000                            |
| 19  | Perinatal Alcohol and Drug Treatment Program                      | \$1,000,000                          |
| 20  | Youth Employment Program  | \$0                                  |
| 21  | Dental Program for Foster Youth                                   | \$120,000                            |
| 22  | Healdsburg Dam Renovations  | \$2,100,000                          |
| 23  | Taylor Mountain Regional Park and Open Space Preserve Development | \$5,000,000 to \$8,000,000           |
| 24  | Bodega Bay Bicycle and Pedestrian Trail                           | \$5,000,000                          |
| 28  | US 101/River Road Interchange improvements                        | \$10,000,000                         |
| 30  | ICE Detainers – Local Flexibility                                 | \$0                                  |
| 31  | Broadband Deployment  | \$50,000,000                         |
| 33  | Behavioral Health Services In Community Clinics                   | \$800,000                            |
| 34  | Subsidized Employment Program                                     | \$1,500,000 to \$2,500,000           |
| 35  | CalFresh Outreach   | \$600,000                            |
| 36  | Senior Transportation   | \$1,000,000                          |
| 37  | McCullough/Mark West Creek Acquisition                            | \$8,000,000                          |
| 38  | Tolay Lake Regional Park Master Plan and Development              | \$10,000,000 to 12,000,000           |
| <b>Total of Federal Priority Requests</b>                                     |   | <b>\$98,020,000 to \$104,020,000</b> |



# County of Sonoma

## State of California

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Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

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4/5 Vote Required

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### **Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Supporting Sensible Gun Safety and the Prevention of Gun Violence By Addressing Replica Weapon Regulation**

**Whereas**, homicide by firearm is a leading cause of death in the United States, and is the fastest growing method of suicide; and

**Whereas**, communities across the Country have experienced horrendous tragedies arising from officer-involved shooting, causing extreme harm, including death, which involved replica weapons, or toy guns; and

**Whereas**, local police chiefs, county sheriffs, local elected officials, and community leaders have repeatedly called for some form of action to help reduce violence and harm arising from guns and replica weapons; and

**Whereas**, Sonoma County believes a comprehensive approach to reducing gun violence should include creating stronger regulations on replica weapons; and

**Whereas**, State legislative action, such as SB 1315 (De Leon), have provided for local jurisdictions to enact regulations that make sense for their own communities; and

**Whereas**, additional State legislation is anticipated to create State-wide regulations on replica weapons.

**Now, Therefore, Be It Resolved** Sonoma County supports amending SB 1315 (DeLeon) to include Sonoma County with Los Angeles County in claiming jurisdiction over the regulation of replica weapons; and

**Be It Further Resolved** Sonoma County supports emerging legislative efforts to create sensible State-wide regulations for replica weapons.

Resolution #

Date:

Page 2

**Supervisors:**

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 34**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** County Administrator's Office

**Staff Name and Phone Number:**

Veronica Ferguson, (707) 565-2431

**Supervisorial District(s):**

All

**Title:** Actions from the November 5, 2013 Discussion on Community Healing following the Andy Lopez tragedy

### **Recommended Actions:**

Receive report and consider actions for Board, staff, and community task force.

### **Executive Summary:**

This item synthesizes the comments heard during the November 5, 2013 discussion on community healing following the Andy Lopez tragedy. The actions for your Board are summarized in three categories: actions specifically for the Board; actions the Board wishes a community task force to carry out; and actions the Board directs staff to complete.

The ideas included in this staff report are representative of the input received. Recommendations are based on the comments and input from departments. Where possible staff has provided estimates of cost (in the fiscal impact section) and duration for the recommended actions. The full transcript of the November discussion is attached as is a draft charter for the recommended Community and Local Law Enforcement Task Force.

### Background

During the morning session of the Board of Supervisors on November 5, 2013 the Board heard from over 30 members of the community addressing the questions of what kind of community do we want to be, how can we as a community heal after the tragedy of losing Andy Lopez, and how can we, as a community work to ensure that similar tragedies never happen again.

The Board requested that staff return on December 3, 2013 with a synthesis of the suggestions heard during the discussion organized into recommendations for direct Board action; recommendations for a Board appointed task force to complete; and recommendations for staff to complete directly. The Chair also identified a fourth track to include the formation of a Board ad hoc committee to work with the City of Santa Rosa on Southwest Santa Rosa Annexation issues. The formation of the ad hoc committee is

included in today's recommended actions for the Board. Staff will work with the ad hoc committee to develop its charter and return with a separate report on the activities and plans thus far on Southwest Santa Rosa Annexation after meeting with the ad hoc committee.

### Recommendations for Board Actions

1. Create and appoint members to a Community and Local Law Enforcement Task Force

There were many suggestions for this task force's charges and these are discussed in more detail below. The make-up of this task force is recommended to be 3 members to be appointed by each Board member, 3 recommended for appointment by the Sheriff, 2 appointed by the Mayor of the City of Santa Rosa, and 1 recommended for appointment by the District Attorney. The goal is to represent our diverse community demographically, geographically, and from all walks of life. The Board may wish to make specific appointment recommendations at today's meeting and then complete appointments at the December 10 meeting to ensure the representation as a whole achieves the desired diversity and community inclusion.

2. Conduct town hall meetings throughout the County over the next year, engaging underserved communities, in a variety of dialogues aimed at inclusion, healing, and learning what is needed to address disparity in services in the communities.

Topics suggested were: community violence, social equity and justice, community grief, diversity, inequitable policies and practices across communities, how to rebuild community trust, trust in law-enforcement, what trust do you have in law enforcement and the agencies they work for, how to reach people who might not be engaged and include them in the discussions, and what types of educational programs are needed to assist the community in understanding the rights, resources, services (including grief counseling and support sessions but also the broader array of services), and ways that they can engage in community and governance.

Suggestions regarding facilitation of these conversations included conducting these meetings in Spanish and providing English translation; using a Restorative Justice model of circle conversations with the community; and a method without talking but the use of written word contributions from the participants. Staff recommends that the Board begin with the town hall meeting model, conducted in Spanish and English and other languages depending on the specific setting and community, with alternative formats evaluated further and utilized on an ongoing basis.

3. Support state and federal legislation on gun and replica weapon control.

4. Intentionally engage and appoint more Latino and youth leadership to serve on policy making and advisory boards serving the County. Recommendations related to this activity will be included in the County's Community Engagement Strategy, anticipated for Board consideration in January.

5. Create and appoint two members of the Board to the Southwest Santa Rosa Annexation Ad Hoc

Committee.

Recommendations for Directions to Staff

1. **Community Park** - Report back in 60 days with plan and financing recommendations to create a park in the Moorland Avenue neighborhood dedicated to Andy Lopez.

Depts: Agricultural Preservation and Open Space District; Regional Parks; CAO

2. **Weapons Programs** - Report back in 90 days with program options to: buyback real weapons; buyback or exchange toy and replica weapons for non-violent toys; educate and encourage parents to paint and otherwise distinguish toy and replica weapons from real ones; and educate and promote awareness in the community regarding the dangers of guns and community violence.

Depts: Sheriff's Office; Human Services; Health Services; CAO

3. **Cultural Diversity Recruitment & Training Programs** – Report back in 60 days on current recruitment, retention, and training programs for law enforcement and other staff regarding cultural diversity, include current and historic staff demographic data and trends, and options for additional efforts to be considered going forward.

Depts: Human Resources; Sheriff's Office; District Attorney; Probation; CAO

4. **Lethal Force and Alternatives Training** – Report back in 90 days on current and recommended training programs on the use of lethal force and alternatives.

Depts: Sheriff's Office; Probation; Human Resources

5. **Lapel Cameras** – Report back in 60 days on feasibility and costs for providing law enforcement officers with lapel cameras.

Depts: Sheriff's Office; ISD; Human Resources; CAO

6. **Rapid Response Team for Youth Involved Events** – Report back in 60 days on potential programs similar to the mental health response team to be deployed in emerging situations involving youth to diffuse tensions.

Depts: Health Services; Human Services; Sheriff's Office; CAO

7. **Annual Report** – Incorporate accomplishments and challenges related to community building activity, key initiatives, and policy issues of community interest for Sheriff's office and all involved departments in County Annual Report.

Depts: CAO



8. **Bilingual Small Business Development Assistance** – Return in 60 days with proposal and actions necessary to add a bilingual small business development assistance program in the Economic Development Department to be targeted to underserved communities.

Depts: Economic Development; CAO

9. **Infrastructure and Services Investments** – Report in 90 days on needed strategic infrastructure and services investments for underserved communities in alignment with the County Strategic Plan including at a minimum: plaza/community centers, libraries, community clinic/wellness centers, access, education, self sufficiency, partnership, quality and efficiency and identify a portion of Reinvestment and Revitalization funding for potential use in beginning to address these needs.

Depts: CAO, General Services, Library, Health Services, Human Services, Community Development Commission

10. **Community Engagement** – Report back in 60 days as a part of full presentation on a Community Engagement Plan. The Plan will move to implementation the County’s recently completed Best Practices in Community Engagement report, and include items highlighted as supporting the efforts indicated in this agenda item. Specific actions will include building internal capacity to understand effective engagement strategies and practices, as well as moving to establish more systemic cultural competency within the County organization. Externally focused activities will create new and leverage ongoing County efforts, and leverage existing community and other jurisdictional efforts. These include identifying “store fronts” in various communities throughout the county, establishing community ambassadors to provide a direct link between residents and their government, expanding youth placement on boards of partner non-profit and private organizations, deploying ongoing mechanisms for community input – particularly via emerging technology – and establishing more planned media engagement.

Depts: CAO

11. **Community Healing and Resiliency Funding** – Report back as a part of the FY 14-15 Budget Hearings with options for a financing mechanism for supporting any ongoing approved recommendations from today’s list, recommendations from the Community Healing Task Force and the Board led Town Hall meetings. This includes investments in infrastructure, services, and specifically the replication of successful current programs for youth and public safety programs throughout the community where needed.

Depts: CAO

As the Board also heard from a number of individuals and organizations on November 5, 2013 who are ready and willing to assist in the suggestions above (including but not limited to the City of Santa Rosa, Los Cien, La Luz, Social Advocates for Youth, Restorative Resources and many more) staff recommends Board authorization to reach out and utilize these individuals and organizations in developing and implementing the recommendations approved by the Board in today’s session.

Recommendations for the Task Force (likely Task Force Member commitment of at least 2-4 hrs per week, for first 4 months)

1. Charge the Task Force with first reviewing options for and ultimately recommending within 60 days a model for an independent citizen review body. The options should include the range of composition and powers vested in similar bodies in other communities from the current status quo in Sonoma County (Grand Jury), to using the existing Grand Jury differently, and the four separate models noted in the attached charter. The review should also look at legal constraints and best practices involved in constituting and using such bodies. Further, the Task Force is specifically directed to explore and develop definitions of transparency for any investigations or reviews to be conducted by the body.
2. Charge the Task Force with next reviewing and recommending by April 30, 2014 options for community policing to be considered with the FY 14/15 budget process.
3. Charge the Task Force with next reviewing and recommending by June 1, 2014 whether the Office of Coroner should be separately elected from the Office of Sheriff.
4. Finally, charge the Task Force with bringing to the Board of Supervisors any additional feedback from the community on these issues that merits County attention periodically and by the end of 2014.

More details with respect to these charges and the Task Force in general are included in the draft charter included as an attachment to this item.

**Prior Board Actions:**

November 5, 2013 – Morning Session devoted to Community discussion regarding healing following Andy Lopez tragedy.

**Strategic Plan Alignment**      Goal 1: Safe, Healthy, and Caring Community

**Fiscal Summary - FY 13-14**

| <b>Expenditures</b>       |           | <b>Funding Source(s)</b> |           |
|---------------------------|-----------|--------------------------|-----------|
| Budgeted Amount           | \$        |                          | \$        |
| Add Appropriations Req'd. | \$        | State/Federal            | \$        |
|                           | \$        | Fees/Other               | \$        |
|                           | \$        | Use of Fund Balance      | \$        |
|                           | \$        | Contingencies            | \$        |
|                           | \$        |                          | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b>     | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

Estimates of costs for Board actions are: approximately \$350,000 for support of the task force, based upon 3-4 dedicated FTE, additional occasional or specific expertise support from staff or consultants, space, and other logistics; and approximately \$75,000 for logistics costs for the town hall meetings. The other Board action item costs will be nominal and can be included in existing operations. Estimates of costs for actions to be carried out by staff still need to be developed and will be brought back individually as needed. Fiscal changes will be included in consolidated budget adjustments or future budgets when approved by the Board. Some costs may be provided in kind through partnerships with community organizations.

**Staffing Impacts**

| <b>Position Title</b><br>(Payroll Classification) | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|---|---|------------------------------|------------------------------|
|   |   |                              |                              |
|   |   |                              |                              |

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

Transcript of November 5, 2013 Morning Session.  
Community and Local Law Enforcement Task Force Charter

**Related Items "On File" with the Clerk of the Board:**

None.

Board of Supervisors Meeting 11/5/2013

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BOARD OF SUPERVISORS MEETING

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November 5, 2013

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REPORTED BY: Sarah J. Bingham, CSR #13720

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**Board of Supervisors Meeting 11/5/2013**

1 MR. RABBITT: Good morning, everyone, and  
2 welcome to the Board of Supervisors meeting of  
3 November 5th, 2013. And we'll start with the Pledge of  
4 Allegiance. And if I could ask my friend, Todd Mendoza,  
5 to lead -- lead us, please.

6 (Whereupon, the Pledge of Allegiance  
7 commences.)

8 MR. RABBITT: Thank you. And again, welcome  
9 and thank you for being here.

10 It's a very special morning. The first --  
11 first board meeting after the tragic incident of the  
12 death of Andy Lopez. To start off, we have a -- we have  
13 a different agenda today in acknowledgement of that and  
14 the grief that the community has been suffering. And  
15 we're honored to have with us today Bishop Robert Vasa  
16 from the Santa Rosa Diocese to lead us in the  
17 invocation.

18 BISHOP VASA: Thank you.

19 Lord, we seek your presence and your grace in  
20 our meeting this morning. Lord, we gather, as many have  
21 gathered over these past days, to try to make sense of  
22 that which cries out to us as senseless. We seek peace  
23 and we find only bitter distress and turmoil. We seek  
24 forgiveness and we find within ourselves pain and hurt,  
25 which militate against it. We look for understanding

**Board of Supervisors Meeting 11/5/2013**

1 and all we find is dark confusion. We look for light  
2 and all we find is darkness. We seek a fullness of joy  
3 and all we find is an empty pit of sadness and grief.

4 And so, Lord, we turn to you in our distress  
5 and turmoil, our pain and our hurt, our confusion, our  
6 darkness and sadness and grief, and beg from you that  
7 prudence which alone helps us to judge wisely. We beg  
8 that fortitude, which gives us the possibility of moving  
9 just one more step closer to peace when we want to give  
10 up in frustration. We ask for that temperance which  
11 helps us to keep from our minds and hearts any tendency  
12 to lash out in anger at others.

13 Lord, we gather because we seek to discover  
14 what we can do with perhaps a mistaken notion that what  
15 we do is the most important thing. Lord, help us to  
16 recognize that it is what we allow you to do in us which  
17 is the most significant thing. Often, Lord, in our  
18 desire to do so much, we forget that it is you who call  
19 us first to be. We pray for the grace, then, to be true  
20 brothers and sisters without borders, sons and daughters  
21 all of a living God. We pray for the grace, then, to be  
22 men and women who always and everywhere manifest the  
23 best of what it means to be your beloved children.

24 Lord, may we be people of peace, and may we,  
25 even as we stumble along in our darkness, be always

**Board of Supervisors Meeting 11/5/2013**

1 people of light, so that in this place today a genuine  
2 light of hope may begin again to shine in our community.

3 MR. RABBITT: Thank you so -- so very much.  
4 We really do appreciate that.

5 And I do want to make a couple of  
6 announcements. There -- Spanish interpreter services  
7 are available for simultaneous interpretation of the  
8 meeting today, and there are headsets available for  
9 checkout at the back of the room. And I'll turn to our  
10 County Counsel to make that same announcement in  
11 Spanish.

12 MS. FERGUSON: County Administrator.

13 MR. RABBITT: Sorry.

14 (Whereupon, an announcement is made in  
15 Spanish.)

16 MR. RABBITT: Thank you very much.

17 Again, the first thing that we want to talk  
18 about this morning is the -- what has occurred in the  
19 community two weeks ago today and -- and since then, and  
20 kind of the raw emotion that's have been -- that has  
21 surfaced. I think, if I have the -- through my board,  
22 we've set aside about two hours this morning, but I  
23 think that's very flexible. And we want to make sure  
24 that we start a dialogue today that really doesn't have  
25 an ending. I think that this is going to be an ongoing

**Board of Supervisors Meeting 11/5/2013**

1 conversation that, as a community, we need to have  
2 moving forward.

3           And I very much appreciate everyone being here  
4 and participating in that. And I'm not sure what will  
5 come out of today, if the direction of this board, with  
6 your help and guidance about how we do move forward in  
7 healing the community and addressing the concerns that  
8 have been -- surfaced in the last two weeks or so.

9           I think one of the first things I want do is,  
10 again, acknowledge on behalf of the board, on behalf of  
11 the county, the grief and sorrow and the loss of a child  
12 of our -- in the community. And again, as a father,  
13 I've said this a number of times, but as a father of  
14 three, I can't imagine losing a child, and certainly  
15 could not imagine losing a child in this particular way.  
16 So our thoughts and prayers are with the Lopez family, I  
17 think today and every day moving forward.

18           I also want to acknowledge and thank the  
19 community for their actions of the last two weeks and  
20 the way they handled themselves, particularly the kids,  
21 those middle schoolers, those high schoolers who took to  
22 the streets and marched and demonstrated and did so in  
23 the best tradition, and did so nonviolently, and really  
24 expressed themselves as we celebrate in this country.

25           And to that end, too, I want to thank the



1 community leaders who made sure they were safe and were  
2 able to do that. And from Socorro Shields over here --  
3 if I start naming names, I'll miss too many people. But  
4 so many people took that to heart, to make sure that  
5 their actions were going to be safe, that their  
6 ability -- their grief was heard, their ability to get  
7 out and express themselves was done in a way that was --  
8 was safe. And we do really, very much appreciate that.  
9 And like I said, I think what we -- what we embark on  
10 today is really a conversation, a dialogue, has been  
11 said a couple times, I think by many people over the  
12 last two weeks, everything's on the table to talk about.  
13 Moving forward, I think that's the -- an important way  
14 to be. And we look forward to that conversation.

15 And I turn to my colleagues in -- for some  
16 opening comments, then we have a few -- a few invited  
17 guest speakers, but really everyone today is an invited  
18 guest speaker. And we look forward to your  
19 participation moving forward.

20 I'm going to turn to my colleague, Supervisor  
21 Carrillo.

22 MR. CARRILLO: Good morning. Buenos dias.  
23 Thank you you, Mr. Chair. And thank you, Bishop, for  
24 the invocation this morning as well.

25 You know, the tragedy that took place two

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1 weeks ago has indeed been devastating and tragic. As --  
2 Mr. Chair, as you pointed out, the loss of a child is  
3 just unimaginable. It tears at a parent's heart and  
4 sole, and it -- and that has rippled out, the pain, not  
5 only the family, the friends, the classmates, but the  
6 entire community. Our community is experiencing many  
7 emotions and many feelings. I hear this from my  
8 constituents in the immediate community of Moorland,  
9 southwest Santa Rosa, and the entire community, not only  
10 in the west county, in the county, feelings of  
11 disbelief, feelings of pain, feelings of outrage,  
12 feelings of grief at the loss of a promising, engaging  
13 and very popular young student.

14           The United States is often called the nation  
15 of immigrants, and most families have stories about  
16 immigration and migration, either in our immediate past  
17 or in our distant history. Of course our -- our origins  
18 of migration, our experiences very considerably. In  
19 learning more about the Lopez family, in learning more  
20 about their trajectory here to the United States, their  
21 dreams and hopes, they have many of the same dreams that  
22 our parents and our grandparents had when they came to  
23 this country, land of opportunity.

24           What makes this tragedy for me even more  
25 heartbreaking than what it's already been is that they

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1 fled a land of crime and violence in Northern Mexico to  
2 provide a safer place for their children, to provide a  
3 safer place for their community, for their children to  
4 learn, for their children to play, for their children to  
5 succeed. They sought that very same dream of  
6 opportunity that many of our parents sought when they  
7 left their families, when they left their belongings,  
8 when they left a sense of place.

9           Andy's family needs us right now. Nothing can  
10 take the place of a lost child, yet we can all offer to  
11 help those in need and remind them that not only are we  
12 there for them, but that we are praying for them. We  
13 continue to grieve for Andy Lopez and family, and every  
14 parent continues to have a heavy heart. We've seen --  
15 while our hearts continue to bleed, we've seen a  
16 galvanization of this community, emanating from the  
17 young students at Cook Middle School, the students at  
18 Elsie Allen High School, and other students in the  
19 school district throughout, community leaders who have  
20 galvanized collective energy to come together to ensure  
21 that this incident never happens again.

22           The community response by the young students,  
23 it's been moving and inspiring on many fronts. We've --  
24 we -- we've not seen this type of community organization  
25 in our community, at least in my recent history. I

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1 expect that the community organizing that has been born  
2 by this tragedy will bring forth recommendations that  
3 will shape our community for the better. When people  
4 share a common experience, when people share a common  
5 concern, and the community strives to achieve common  
6 goals, community partnerships and coalitions are most  
7 effective. They are most effective in changing  
8 community conditions. You know, this board must be  
9 willing to listen, and that's the intent for us today.  
10 First and foremost, listen. Continue to listen.  
11 Continue to engage. And ensure that we not only focus  
12 on the community healing, but the family, the friends,  
13 and the entire community needs, but on community  
14 building.

15           Mr. Chair, I have a lot more to say, but out  
16 of respect for my colleagues who have been affected by  
17 this tragedy as much as I have, I will reserve my  
18 specific comments on what I think I've heard from  
19 members of the community in moving forward, not only  
20 with the healing process, but with specific actions.  
21 But I -- I will reserve this moment just for opening  
22 comments on the tragic events that have occurred, and do  
23 hope to hear from folks that are here and continue to  
24 hear moving forward in the days to come.

25           MR. RABBITT: Thank you very much.

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1 Supervisor Gorin.

2 MS. GORIN: It's a sad day. Two weeks ago,  
3 the Board of Supervisors unanimously supported the  
4 resolution offered by Congressman Mike Thompson to try  
5 to get a handle on the gun violence pervading our  
6 nation. That afternoon, sadly, we experienced the  
7 tragic loss of Andy Lopez. And at the same time that  
8 evening, a candlelit vigil in Maxwell Farms Regional  
9 Park, commemorating the life of a young man who was  
10 killed in gang violence at Maxwell Farms Regional Park.  
11 It brought very close to me why -- or the challenges  
12 that we face, and continue to face, in the community.

13 As a mother, I want to wrap my arms around the  
14 Lopez family and tell you how -- I'm sorry. And tell  
15 you how sad it is that we, as a community, have lost  
16 your son. As a supervisor, I have been talking to many  
17 of you, participating in marches, attending rallies,  
18 outreaching, asking questions, listening and attending  
19 the funeral Mass for that bright young man whose future  
20 is lost. And like Supervisor Carrillo, I want to thank  
21 all of you, for your patience, your outrage, and your  
22 coming together with all of us to ensure that we don't  
23 lose another young life or an adult to gun violence in  
24 Sonoma County. And hopefully I will be more coherent  
25 later. Thank you.

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1 MR. RABBITT: Thank you.

2 Supervisor Zane.

3 MS. ZANE: Thank you. I thank this good  
4 morning for welcoming emotion from this board. I thank  
5 my colleagues for sharing their emotion.

6 It is imaginable to me, as a mother of three,  
7 and as somebody who also tragically lost her husband  
8 three years ago, what that loss could feel like. You  
9 know, there's many level of -- many levels of healing  
10 that will need to take place as we move forward. And as  
11 a leader in this county, my commitment is to bring  
12 vision and hope and a concrete plan for healing and  
13 restoration of a broken trust of the community by  
14 working with my colleagues on the board, the city, the  
15 sheriff, the district attorney, and the community  
16 leaders.

17 We have all been affected by this tragedy, and  
18 first and foremost, his parents, Rodrigo Lopez and Sujey  
19 Cruz. Andy's many young friends, Cook Middle School,  
20 Andy's neighbors, our public safety employees, our whole  
21 county. The shooting's torn the scab off the wound of  
22 old social injustices that have been simmering for a  
23 long time. And it raises the questions about how social  
24 injustice plays into the welfare of the various segments  
25 of our community. As leaders, we need to turn over

1 every stone to ensure to the best of our ability that  
2 three things happen: One, that this never happens  
3 again. Two, that justice will be served. And three,  
4 that we address the disparities of our neighborhoods and  
5 in our community.

6           There are short-term issues that need to be  
7 addressed with urgency in regard to the investigation,  
8 and there are long-term issues that need to be addressed  
9 in terms of essential injustices that have simmered for  
10 far too long. I want to give a couple of ideas and  
11 recommendations for us to discuss, and also to, of  
12 course, as my colleagues have already noted, to listen  
13 to the recommendations from the community. We have  
14 extensive protocol set up for investigating these cases,  
15 but I think that we need to acknowledge here today that  
16 the public perception of the conflict of interest when  
17 one law enforcement agency investigates another is real,  
18 and it's fair. And if we're going to rebuild the trust  
19 of the Latino community in law enforcement, which is  
20 what we want to do, we must, at the very least,  
21 investigate what are the best practices that already  
22 exist for civilian review boards.

23           Taxpayers are going to be hit with a huge  
24 settlement, and therefore taxpayers have a right to have  
25 a say in this. We promise the public complete

1 transparency, and maybe the best way we can offer this  
2 is through a civilian review investigation. I don't  
3 know. But I'd like to recommend that we consider today  
4 setting up a blue ribbon panel that is charged with  
5 recommending best practices for civilian review boards  
6 and protocol for officer training, firearms in gen --  
7 general, along with community policing. The panel would  
8 come back in 30 to 60 days with very concrete  
9 recommendations and they would work with other local  
10 jurisdictions and be open to public input. They would  
11 be staffed by the department of health services or the  
12 county administrator's office.

13           There's some good people that we can ask on --  
14 ask in the community to be on this panel. People  
15 essentially first and foremost from the Latino  
16 community. People like Francy Scovazkes (phonetic) from  
17 Sonoma State and Magdalena Riche (phonetic) and Dobbin  
18 Car -- Cardenas (phonetic).

19           Secondly, I want to recommend that it's time  
20 for us to put more money into community policing into  
21 our problematic neighborhoods. We know that the way  
22 that we reduce fear among both law officers and the  
23 public is through building relationships and building  
24 trust and knowing who lives in the neighborhoods. We  
25 need to get our departments out of the car and on the



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1 streets, and get to know the people who live in those  
2 neighborhoods. We need to put some money into community  
3 policing.

4 And then we need to, on the long-term, put  
5 money on the table for the annexation of the southwest,  
6 both the county and the city. We need to come to an  
7 agreement and not wait another year to achieve this.  
8 We've been talking about it for 20 years. And  
9 Supervisor Carrillo and I attempted this five years ago  
10 at the Joint County Roseland Committee, but we hit the  
11 recession and we had a consultant that gave us a less  
12 than stellar report, and here we are again. But this  
13 tragedy gives us the impetus to do a specific and clear  
14 timeline on when we are going to achieve this goal.

15 We have made the annexation of the southwest  
16 islands a priority. The Board of Supervisors, in our  
17 annual priority report, and the Santa Rosa City Council  
18 has agreed and made this a priority for them, too. But  
19 we have to come up with a concrete fiscal plan, and it  
20 will mean that we have to come up with money and a fair  
21 share to make this happen once and for all.

22 And lastly, we need to continue to have an  
23 open dialogue. And I thank Supervisor Carrillo for  
24 initiating this. We need to have open dialogue about  
25 community violence, social injustices, community grief,

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1 and building trust. As the liaison for the criminal  
2 justice system this year on the Board of Supervisors, I  
3 asked the sheriff a few days ago if he would be willing  
4 to speak with various community groups and leaders and  
5 to listen to their concerns. He was -- he was very,  
6 very positive said, "Absolutely." And I'm happy to  
7 announce that on Thursday afternoon, we have our first  
8 meeting set up with the sheriff and community leaders  
9 from the SRJC, from MEChA and La Puente, and other  
10 community leaders, too, who have been so stellar in  
11 organizing these peaceful protests and demonstrations.

12 And then lastly, we need to -- and I know  
13 Supervisor Carrillo has already looked -- is already  
14 looking into this: We need to look at putting parks in  
15 these neighborhoods. There's a space down there where I  
16 know a park would be welcomed by our fifth district  
17 supervisors and by all of us.

18 Thank you. And I want to say, lastly, that  
19 many years ago I worked to help people become citizens  
20 of the United States. I taught American history and  
21 government and English as a second language in South  
22 Central Los Angeles for World Relief, and helped  
23 citizens from 20 different Latino countries -- helped  
24 people become citizens under the Amnesty Act of 1989.  
25 It is something that is long overdue. We need to

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1 support people becoming citizens. We need immigration  
2 reform, and we need social justice in this area.

3 MR. RABBITT: Supervisor McGuire.

4 MR. MCGUIRE: Thank you so much, Chairman  
5 Rabbitt. I really appreciate everybody being here  
6 today. Good morning. It is an emotional day, and I'll  
7 try to get through this.

8 First and foremost, thoughts and deepest  
9 sympathy goes out to the family of Andy Lopez, their  
10 friends, and of course, community. This intense tragedy  
11 has impacted all of us, but I simply cannot imagine what  
12 the Lopez family has been faced with over the past two  
13 and a half weeks, focused on the loss of their son. The  
14 pain has penetrated all of us in this room, and all  
15 involved in this tragedy. And as my colleagues had  
16 mentioned, there have been many feelings expressed:  
17 anger, outrage, frustration, sadness.

18 And I believe that the county is experiencing  
19 a moment in time that will forever change our history.  
20 Neighbors are asking how this could have happened, and  
21 rightfully demanding that we, as a community, look in  
22 the mirror, move forward with difficult conversations  
23 about the Sonoma County we all want to live in, the type  
24 of county we all want to call home. And I believe that  
25 all at the county, at every level, are dedicated to a

1 fair and transparent investigation, and whether the  
2 approach is acceptable. There are many questions that  
3 all of us want answered.

4 I also believe in order to begin the healing  
5 process, we must be willing to tackle challenges that  
6 those before us may not have taken on. We must be  
7 committed to look at disparities in our neighborhoods,  
8 our schools, and political participation. These issues  
9 are not new to any of us in this room. We cannot be  
10 passive in our approach to bring real change, not just  
11 through words, but through action and resources. We  
12 cannot be silent about the gaps that exist in our  
13 neighborhoods. We must be willing to bring forward a  
14 robust community dialogue focused on history, focused on  
15 moving forward with solutions and building a stronger  
16 Sonoma County, where all voices have a seat at the  
17 table.

18 And for me, that brings up today's meeting. I  
19 do not believe that long-term answers will come from  
20 just the five of us sitting here. Solutions rise up  
21 from the neighborhood level. And what we have witnessed  
22 this past week has been inspiring. Thousands of  
23 peaceful marchers have taken to the streets: Middle  
24 school students, high school students, mothers pushing  
25 strollers. United in an expression of resilience that,

1 frankly, we have never seen before. The focus, the  
2 energy, and the questions that all involved have brought  
3 forward will change our communities forever.

4 There are many tough days and conversations  
5 still ahead, but I know that we are all united, that we  
6 never want to see this tragic event happen again. And  
7 we are united to rebuild the trust and move forward with  
8 participation at all levels of our community.

9 Mr. Chair, I have additional thoughts about  
10 moving forward that I'd like to be able to hold until we  
11 hear from all those that are here today to be able to  
12 share their thoughts and have some specific  
13 recommendations, as well. Thank you.

14 MR. RABBITT: Thank you. And I think, again,  
15 we all have sheets and sheets of ideas and things that  
16 have been bandied about in terms of the issues that have  
17 been raised for the last couple weeks, but I think it's  
18 really important to make sure that we are in this  
19 together, that we receive your input as well.

20 I will make mention, I -- I went online, it  
21 was recommend to me by a friend, go online and YouTube  
22 Robert Kennedy's speech on the night that Martin Luther  
23 King was killed. He was campaigning in the --  
24 Indianapolis, Indiana. And he jumped up on the back of  
25 a flatbed truck and made the announcement to the crowd.

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1 Of course, the crowd had no idea. At the time, there  
2 was no 24-hours news, and the crowd was shocked, and a  
3 large gasp came out of the crowd. And he went on to  
4 acknowledge the grief that the crowd was feeling, and  
5 the anger that they were feeling, their frustration,  
6 certainly the sixties, full of turmoil.

7 But at the same time, if you go back, and I  
8 recommend that we all look at that speech, because he  
9 went on to challenge the -- the audience about what kind  
10 of community do you want to live in? And sure, we can  
11 be angry, and focus on the anger and just let that drive  
12 us, or we can step back and really think about where do  
13 we want to go, how could we strengthen our community,  
14 how can we have a community that's full of compassion  
15 and love? Things that we always talk about at home or  
16 at church or place of worship, and really bring that out  
17 in everyday actions.

18 So I think today, you know, I look towards  
19 that speech, and I think of -- is really the start of  
20 that conversation, like I said earlier, about what kind  
21 of community do you want to live in, and how can we make  
22 it better, and how can we assure that something like  
23 this does not happen again? How can we assure that all  
24 the feelings that have bubbled up, whether it's the  
25 social injustice issues, whether it's the feeling of

1 disenfranchisement over the annexation issues, all those  
2 kinds of -- everything pulled together that created this  
3 maelstrom that we have to deal with. How can we deal  
4 with that together moving forward?

5           And I really -- I think today's a good day to  
6 start that conversation. And again, I don't know what  
7 the answers are going to be, and I don't think we should  
8 prejudge anything. I do think that ultimately a good,  
9 hard look. There are no easy answers. It forces all of  
10 us to ask ourselves some really difficult questions.

11 But I think we want to develop recommendations to really  
12 address what happened, like how it cannot happen again,  
13 and to really address the broader issues that have been  
14 brought up. And we have an opportunity to really define  
15 what kind of community we want to be. And I look  
16 forward to that conversation.

17           We do have a series of people I'd like to ask  
18 to address us, and you, some invited guest speakers.  
19 First, I'd like to ask Mayor Bartly from the City of  
20 Santa Rosa, if he could share a few thoughts.

21           MAYOR BARTLEY: Thank you. I have, like all  
22 of us, have a carefully prepared script. But listening  
23 to your comments, and going through the emotions that we  
24 all have felt for the last two weeks, I'm going to go  
25 off script to begin.

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1           This tragedy is a tragedy for a family. It's  
2 a tragedy for a community. I truly appreciate the  
3 comments I've heard from a number of you. Supervisor  
4 Carrillo, Supervisor McGuire, Supervisor Zane, Chair  
5 Rabbitt, Supervisor Gorin. I agree with the -- the  
6 chair. It's not a time to judge, it is a time to --  
7 really to brainstorm, and to put everything on the table  
8 so that we can have serious discussion and hopefully  
9 reach a solution.

10           Now I'll go back to my prepared comments.  
11 Again, thank you Supervisor -- Chairman Rabbitt and  
12 supervisors for scheduling this time to talk regarding  
13 the tragedy of two weeks ago. While the incident did  
14 occur outside the city limits of Santa Rosa, we  
15 recognize the issue is not one defined by such an --  
16 arbitrary boards. As tragic as the shooting has been, I  
17 want you to -- I want to let you know that the City of  
18 Santa Rosa immediately activated a robust network of  
19 service providers and other community partners who all  
20 prepared to initiate media outreach and help people deal  
21 with the grief, anger and begin that healing process  
22 that our community surely needs. They are all here  
23 behind me today.

24           Our city staff did this within the framework  
25 of the operational team, government, nonprofit



1 organizations, and a well-planned community crisis  
2 network. The key service funders received some funding  
3 from our Measure O. The city manager's office, the  
4 police department, Recreation of Parks, and Santa Rosa  
5 City Schools have all been working with key service  
6 providers and many other partners that immediately began  
7 with neighborhoods and youth in our community. We wish  
8 to express a gratitude for them. Their very capable,  
9 caring and compassionate outreach in a time was very  
10 appreciated.

11 And I want to take this chance to acknowledge  
12 the key service providers who have been involved. These  
13 are the nonprofits that receive funding from the city to  
14 provide the services which we have been able to take  
15 advantage of. First is Community Youth Outreach. They  
16 communicated with the residents of the Latino community.  
17 They assured peaceful protests, they provided support  
18 for vigils and marches. They provided mediation and  
19 crisis intervention support to students who have been  
20 directly impacted and provided direct support to the  
21 Lopez family.

22 Community Action Partnerships providing grief  
23 counseling to families in our southwest Santa Rosa  
24 neighborhoods, organizing open community discussion,  
25 attending marches and vigils in support of the

1 community.

2 Social Advocates for Youth is providing  
3 licensed mental health therapists to work with the  
4 impacted students and staff on school campuses,  
5 attending marches and vigils and supporting -- in  
6 support of the family and providing mediation and crisis  
7 response.

8 The Boys & Girls Club is providing support to  
9 students on our school campuses and providing support  
10 and supervision during the marches and vigils. They've  
11 also extended service hours to provide pro -- social  
12 activities.

13 The CYO and the Community Action Partnership  
14 have also worked very closely with the police department  
15 to help dispel rumors, monitor conditions, emerging --  
16 and per -- monitor conditions for emerging powerful  
17 activity. In general, provide information about the  
18 conditions in the neighborhood in an effort to keep the  
19 peace.

20 Other community partners have greatly assisted  
21 include Restorative Services, Life Works of Sonoma  
22 County.

23 The response has been significant and has  
24 exercised respect and sensitivity to the Lopez family  
25 and the entire community, who have been so deeply

1 affected by the tragedy and events which have followed.  
2 These actions have occurred without fanfare, with great  
3 dedication to those providing the services. There are  
4 likely many more community partners and caring  
5 individuals that have contributed over the last two  
6 weeks that I'm not aware of, and yet I wish to  
7 acknowledge my appreciation of their assistance, too.

8 I am grateful to county and city staff, and  
9 this network for what they've done. It's clear to me  
10 that this community has come together in remarkable ways  
11 during this difficult time to help begin the healing  
12 process and chart our path forward as a community. The  
13 breadth of the response by our community speaks to who  
14 we are now and, more importantly, who we aspire to be.

15 This is only the beginning. There will be  
16 many conversations to follow. Change will take time.  
17 But we will, and must, learn and change. Speaking on  
18 half -- on behalf of the entire city council, we offer  
19 our commitment to continuing the dialogue that's begun,  
20 and offer whatever -- what we can, working with the  
21 county, to make sure the tragedy two weeks ago is never  
22 repeated. Thank you.

23 MR. RABBITT: Thank you very much, Mayor.  
24 Very much appreciate you being here. I'd like to ask my  
25 friend, our friend, Herman Hernandez from Los Cien.

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1 MR. HERNANDEZ: Thank you. Good morning,  
2 Chairman Rabbitt, board members.

3 My name is Herman Hernandez. And I would like  
4 to thank the Board of Supervisors for bringing the  
5 community together this morning, all of the community,  
6 to begin a very much needed dialogue that needs to lead  
7 Sonoma County in a new unified direction in hope that as  
8 a community united, we will prevent another heartbreak,  
9 such as the events that led to the tragic loss of Andy  
10 Lopez. As Pete Golis observed in his Sunday column, we  
11 can make a difference if it's important to us. If not,  
12 we only have ourselves to blame.

13 Having this dialogue and others will make a  
14 difference. This dialogue will not be easy. We need to  
15 talk about diversity and inclusion. We need to talk  
16 about sub -- subtle and overt policies and practices  
17 over generations have divided our community and how to  
18 rebuild the community's trust, and the bridge building  
19 we so often spoke about.

20 John F. Kennedy said, "All of us do not have  
21 equal talent, but all of us should have an equal  
22 opportunity to develop our talent." The opportunities  
23 to develop our talent, to live in the safe communities,  
24 to live long, healthy lives, and to see our children  
25 well educated and well equipped to become tomorrow's

1 leaders has not been balanced in Sonoma County. The  
2 county's recent health self-assessment even indicates  
3 that one's longevity can be predicted based on their  
4 residential zip code. I ask, is that right? No, it's  
5 not. We can -- we can do better than that. And we need  
6 to start by having ongoing conversations about how to  
7 convert that to a positive for our community.

8 I would like to ask the Board of Supervisors  
9 this morning to consider the following call for action:  
10 I recommend that the County of Sonoma and the sheriff's  
11 office to co-convene a series of town hall meetings,  
12 particularly in the Bellevue and Roseland communities.  
13 And since language is -- isolation is a key factor  
14 adversely affecting access -- access to resources and  
15 participation in the community life, I specifically call  
16 for these town hall gatherings to be conducted in  
17 Spanish with English translation so that the residents  
18 will feel more welcome and encouraged to participate.

19 We need to ask the community these questions:  
20 What makes you feel safe and unsafe in your  
21 neighborhood? Who do you call when you need help? What  
22 do you think when you think of justice? What does  
23 justice mean to you? What trust do you have for law  
24 enforcement officers and the agencies they work for?

25 I call on the Board of Supervisors to

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1 intentionally engage not only in Latino leadership, but  
2 also in youth leadership in our whole community, so that  
3 they can serve on policy making boards and advisory  
4 commissions that co-lead this county. So often do we  
5 assume that the young people lack the knowledge and  
6 skills to contribute meaningfully to policy making;  
7 however, over the last two weeks, Sonoma County youth  
8 have demonstrated a level of courage, maturity and  
9 commitment that prove it is time to include their  
10 insights and wisdom in reimagining of our community,  
11 addressing the problems that face us, and building trust  
12 between the community and the government that we have  
13 empowered to serve and protect us.

14           So I'm calling on each board member to join in  
15 this effort as the beginning steps of creating change.  
16 In closing, many thanks to all of you for taking this  
17 first step. Democracy was created in order for the  
18 people of diverse opinions and experience to solve our  
19 problems through politics, so chaos and violence were  
20 not the rule of law. Today's dialogue begins the  
21 democratic problem solving necessary to build trust,  
22 create understanding, unite neighbors and draw together  
23 the broken home that Sonoma County has been far too  
24 long. Unifying the community with a dialogue that  
25 results in bold, authentic, game-changing action is

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1 taking the first steps to a brighter today and tomorrow.

2 So I thank you so very much for bringing us  
3 together, and I close and I finish, si, se puede,  
4 because I believe we will.

5 Thank you very much.

6 MR. RABBITT: Thank you, Herman.

7 Rafael Vasquez from MEChA. Is Rafael here? I  
8 thought he was here. Yeah. We'll -- we'll -- how about  
9 Socorro Shiels from our Santa Rosa City Schools.

10 MS. SHIELS: Good morning, and thank you,  
11 Board of Supervisors. I'd like to thank you for the  
12 opportunity to speak today, and I'd like to thank you,  
13 and so many members of today's audience, for their  
14 support in the past couple of weeks supporting our  
15 youth.

16 I proudly serve the Santa Rosa City School  
17 Districts, and I think, as a new member to the community  
18 of only a year and several months, one of the things  
19 that's very clear in this tragedy is that through our  
20 youth, through their uncloaked messages, through their  
21 raw, honest and authentic dialogue, we have a vision of  
22 what we can be as so many have said before me. And so I  
23 respect and value what you have done in terms of asking  
24 and listening to the community in this real lesson of  
25 civic engagement for us today.

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1 I think it's important, as you have said, that  
2 the community members themselves define their issues and  
3 provide the solutions for the lives in which they live,  
4 that we empower trust and respect their voices, and that  
5 beyond this current issue of violence, we have the  
6 courage to look at the issues of economic viability, of  
7 educational opportunity, and of equity in all of our  
8 community. We in Santa Rosa City Schools will continue  
9 to support our students and families, and look forward  
10 to continued partnerships with you.

11 Thank you.

12 MR. RABBITT: Thank you so much.

13 Susan Kinder, Restorative Resources. Thank  
14 you for being here, Susan.

15 MS. KINDER: Thank you so much for giving me  
16 the opportunity to address you today. Thank you for  
17 communing this community forum. It is so important for  
18 our community to pull together and work toward finding  
19 peaceful resolutions. I also want to express on the  
20 part of our Board of Supervisors staff of volunteers our  
21 most sincere condolences and caring to the Lopez family.

22 I'm Susan Kinder. I'm the executive director  
23 of Restorative Resources, a nonprofit organization based  
24 in Santa Rosa, which serves all of Sonoma County and  
25 beyond. Our -- restorative justice, which is the



1 process that Restorative Resources promotes through its  
2 program and outreach provides a way for communities to  
3 find healing and peaceful and positive responses to  
4 hurt, crime and wrongdoing. It's an international  
5 movement, and as such -- used in such diverse situations  
6 as cultural genocide in African countries, and schools  
7 here in the United States. It's not a religious  
8 movement, but it has a lot of support from many  
9 faith-based organizations. It's a process that can be  
10 used to pull together all of the voices that we hear,  
11 that we're going to be hearing today and in the future.

12 Restorative justice is a process. It involves  
13 those who are most affected and involved in a specific  
14 offense. Together all persons address the harms,  
15 obligations, in order to heal and put things as right as  
16 possible. Together the group makes suggestions and find  
17 ways that make things as right as possible. Whereas the  
18 traditional justice system seeks to name the wrong,  
19 identify and punish the offenders, the goals of  
20 restorative justice are to put decisions in the hands of  
21 those most affective, make justice more healing and  
22 transformative, and reduce the likelihood of future  
23 offenses. The hallmarks of restorative justice are  
24 authenticity, honesty, respect and accountability. It's  
25 a process that each person speaks from their heart, and

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1 they listen from their heart.

2 Currently in Sonoma County, we're operating  
3 with young offenders, both adult and juvenile. We hold  
4 restorative conferences in which all parties are heard,  
5 victims, offenders, family members. Together they come  
6 up with a plan that can serve the needs of the victim in  
7 the community, and then we support that offender in  
8 meeting that plan.

9 (Inaudible) come for probation, the courts,  
10 the schools, and other organizations. Since our  
11 founding in 2001, we've served more than 1,200  
12 offenders. And right now we're doing work in the  
13 schools where the work is frequently called restorative  
14 practices, and we work with students who would otherwise  
15 be transferred or expelled as a result of behavioral  
16 issues. In September of this year, the Santa Rosa City  
17 Schools Board of Education awarded Restorative Resources  
18 a \$125,000 contract to bring a suspension diversion  
19 program at Cook Middle School, where Andy was a student,  
20 and Elsie Allen, where his brother attends. Because of  
21 our presence in those schools, we are able to provide  
22 healing listening circles to students and teachers  
23 following Andy's death.

24 So how can restorative justice be used in this  
25 situation? How can we stop this from happening again?

1 These are obviously concerns that require deep  
2 reflection. How can a young man be killed accidentally  
3 by a member of our own law enforcement community? In  
4 circle conversations, we need to talk about what went  
5 wrong, and together openly share our suggestions on how  
6 to right the situation or make it as right as possible.

7 This is not a question for law enforcement.  
8 And I would like to -- this Board of Supervisors to  
9 understand that the circles would not address the  
10 specifics of a situation and whether appropriate  
11 protocols were followed by law enforcement.  
12 Investigative work in this area would continue at it --  
13 as it's now being conducted. It is not the intent of  
14 restorative justice practice in this circumstance to  
15 replace the workings of the traditional legal system.  
16 Rather, we need to hold our community, as a whole,  
17 accountable, and that would include the sheriff's  
18 department, law enforcement.

19 We need to ask ourselves the hard question,  
20 including those parties that will yield us solutions to  
21 address what's broken; for example, we have a community  
22 that permits air guns in the hand of children, they're  
23 identified as real weapons. Is that what we really  
24 want? If we leave the decision to manufacturers who  
25 make and distribute those toys and deny ourselves -- and

1 deny any responsibility to ourselves, then we're not  
2 being accountable to our community. Being accountable  
3 means that we accept the responsibility and find  
4 solutions to address the problem.

5 The same question can be asked about our  
6 acceptance of policing practices. Are we as a community  
7 satisfied that present practices are appropriate and  
8 contribute to the highest level of public safety?  
9 Restorative justice gives us a way to respectfully ask  
10 those questions, and together, with law enforcement,  
11 seek the best answer. And this process can bring  
12 community healing, the power of a community coming  
13 together, speaking from the heart.

14 So from a practical point of view, you're  
15 asking how this could work. There are different models  
16 to draw from. It's been used around the world, and we  
17 would be happy to consult with the Board of Supervisors  
18 about how we could make this work. You have a lot of  
19 voices here that you're going to be hearing, and we've a  
20 process that enables us to pull together a lot of voices  
21 in a very caring way. This is not a quick process, and  
22 there are many, many voices to be heard. And our -- our  
23 agency has over 50 community volunteers who are trained  
24 to facilitate restorative justice process. And we would  
25 draw heavily on assistance of other CVOs in the county.

1 It would have to be a community-wide undertaking and a  
2 community-wide commitment. So I would offer you our  
3 services, and please, we'd love to talk with you about  
4 how we can help you organize this effort.

5 In closing, I would like to say, and I know  
6 that my experience is echoed here by many in this room  
7 who support restorative justice, it's a process that  
8 works. It really can bring deep healing and deep  
9 wisdom. Its wisdom is its simplicity. It's the  
10 simplicity of the kitchen table. It's the simplicity of  
11 when finally people say we have some really deep  
12 problems and we have to solve them. That's what  
13 restorative justice is about. It really is and can be a  
14 road to healing and transformation. We can't bring Andy  
15 back, but we can honor his memory. And restorative  
16 justice gives us a tool to make that a reality. With  
17 great sincerity, I offer my services and that of our  
18 Board of Supervisors, staff and our volunteers.

19 Thank you.

20 MR. RABBITT: Thank you, Susan.

21 Vince Harper from Community Action  
22 Partnership. Thank you for being here, Vince.

23 MR. HARPER: Thank you for having me.

24 I may get a little emotional, but one of the  
25 things I want to talk about is the importance of family.

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1 And in this tragedy, we, as an agency, have worked with  
2 a lot of families from the area. And personally, I --  
3 I've worked with kids from Cook. I've also worked with  
4 kids who lived in the Moorland area. And so it -- when  
5 I first heard about the tragedy, I -- I was -- it was --  
6 it was very difficult for me to deal with. I think the  
7 first thought when I first heard about it, I thought it  
8 was a gang-related murder or incident, and then -- so  
9 then there was like a knife to the -- to the heart at  
10 first. And then -- then I found out what truly  
11 happened, and it seemed like it -- it just was worse.  
12 And shock, thinking about the difficulties of the  
13 family.

14 I want to take a moment to read -- we held a  
15 night of compassion the other night, and our parents  
16 showed up a little after 6:00, and so they were able  
17 to -- to go through -- have a presentation about how to  
18 deal and address some of the grief that they're feeling  
19 and how to talk to their kids. One of the activities  
20 that we did was to have parents express themselves in  
21 writing in terms of how they were feeling. And so I  
22 want to read a couple of the -- the -- the -- what they  
23 shared that night.

24 So one of the questions is, "What would you  
25 like to say to Andy's family?" So this is one comment:

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1 "For Andy's parents, my deepest condolences, and I feel  
2 your loss in the most profound place in my soul and  
3 heart with what happened to your child. I hope God has  
4 him in his immense glory. He with God, our Lord. I  
5 will ask for his eternal rest, and that time will bring  
6 some resignation to -- for you. God bless you and give  
7 strength to tolerate what you are going through. Our  
8 God's light and mercy gives you strength."

9           So as we work with -- with families and  
10 discuss this in some of our parents' groups, one of the  
11 things that really hit home was when some of the parents  
12 said how can I trust that when I call the police, this  
13 won't happen to my family, to my kids? And to be there  
14 and -- you know, people speaking in Spanish, I know  
15 enough Spanish to understand what's going on, and to  
16 have that discussion and -- not sure what to say. You  
17 know, so -- so you do the best you can in the moment.

18           Our staff has done a great job in terms of --  
19 of trying to help parents work that and work through  
20 that, and also working with other agencies to bring the  
21 resources that are available in our community to bear.  
22 And I'm very proud of the response that I've seen, the  
23 kids, organizations, individuals who have just come  
24 forward and have really made a difference.

25           So a couple things that I wanted to -- to

1 share. So Moorland is one of those communities that is  
2 isolated. It's sometimes difficult to -- to engage  
3 folks out there. But I think we have to really, really  
4 try to look at areas like that in our city and bring  
5 them to the table, bring regular people, bring families,  
6 and have them work with us to build that trust again so  
7 that we can come up with solutions that are really gonna  
8 work. Down in the neighborhood, going there, talking to  
9 people.

10 I also would like to thank -- you know, one of  
11 the things learned when I was a kid and my parents would  
12 always tell me, I'll be honest with you, that my parents  
13 would tell us to -- not to trust the police, that  
14 generally is good -- in terms of having that good  
15 relationship with them, but don't trust them, so --

16 So in closing, I would like to just say that I  
17 would like to see something happen in the toy guns.  
18 Make them orange. Make them absurdly look like -- like  
19 toy guns so that this tragedy doesn't happen again. So  
20 I thank you. Appreciate it.

21 MR. RABBITT: Thank you very much, Vincent.  
22 Thanks for all your work.

23 Matt Martin, Social Advocates for Youth.

24 MR. MARTIN: Good morning. My name is Matt  
25 Martin. I get to be the executive director of Social



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1 Advocates for Youth; however, I'm not coming before you  
2 this morning in that role. I'm coming to you this  
3 morning as a parent of Sonoma County, of -- a parent of  
4 a 13-year-old girl who could very well have been the  
5 peer of Andy Lopez. And my first message is, I'm sorry.  
6 I'm very sorry to the family of Andy Lopez and the  
7 community of Moorland and -- for having to suffer this  
8 loss. It shouldn't happen anywhere. It shouldn't  
9 happen in that neighborhood or any other neighborhood.

10 But I have to commend the community, because  
11 the community has shown tremendous restraint, and that's  
12 extremely commendable. The community has not allowed  
13 one tragedy to beget another, and that's extremely,  
14 extremely something that should be recognized, and I  
15 appreciate, therefore, as a professional. Social  
16 Advocates for Youth is here for you, is here to the  
17 community as a resource. There is no plan for  
18 situations like these, because these kind of situations  
19 shouldn't ever have a place.

20 So here we are now, nonetheless. A child  
21 gone, a future snuffed out. More questions than  
22 answers. Anger, confusion, sadness, grief. And  
23 community leaders leapt to listen, and to listen to  
24 these hard questions, and may not be ready for answers.  
25 And we understand this is going to be a process. So my

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1 message is very simple. It's very simple because I know  
2 standing behind me and sitting behind me there are  
3 scores of people who want to speak, and their pain and  
4 their sorrow cuts a lot deeper and closer to the bone  
5 than it does mine, and I want to respect them in that in  
6 not taking too much time.

7 But please know that Social Advocates for  
8 Youth is here as a tool and as a resource in your hands,  
9 in the community's hands. So as organizations form,  
10 Restorative Resources, Community Action Partnership,  
11 California Youth Outreach, Boys & Girls Clubs of Central  
12 Sonoma County, the Santa Rosa JC, the Health and  
13 Services Department from the county, Santa Rosa City  
14 Schools, City of Santa Rosa, the sheriff's department,  
15 the police department of the City of Santa Rosa,  
16 whatever social advocates can do in terms of the  
17 resources that we bring to bear, please consider them at  
18 arm's length in reach for resource for you to be able to  
19 utilize.

20 And again, thank you so very much for your  
21 service. And lastly, thank you to the community for  
22 showing its tremendous level of restraint during this  
23 time of pain.

24 MR. RABBITT: Thank you, Matt.

25 Gustavo Mendoza from the California Youth

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1 Outreach. Thank you for being here, Gustavo.

2 MR. MENDOZA: I come before you as a person  
3 that attended Cook Middle School, a person that  
4 graduated from Elsie Allen High School, and a person  
5 that has had the privilege to have a nonprofit in the  
6 community of California Youth Outreach, and had the  
7 privilege of having Andy in his groups.

8 Andy had just participated in one of our PEARL  
9 social activities. We had taken him to the corn maze.  
10 We -- we called him Dora the Explorer because we gave  
11 him the map and he was in charge of the flashlight. And  
12 after that field trip, we took him out to In & Out, and  
13 there was a group of girls, college girls, from Sonoma  
14 State. And he was quick to wave at them and try to talk  
15 to them. He was a very young, personable young man.  
16 And I share this story with you to try to -- to paint a  
17 bigger picture.

18 The bigger picture that I'm trying to paint,  
19 that I believe this community needs to be able to see is  
20 -- is the picture of a young man that, yes, he was a  
21 Latino or Hispanic, however it is you want to portray  
22 it, that he did live in the gang-impacted southwest part  
23 of our community, but I would like to challenge  
24 everybody here today, everybody behind me, in front of  
25 me, everybody, not look at it as that, look at it as an

1 American tragedy, because the quicker we could actually  
2 begin to look at it that way, as an American tragedy,  
3 not a Hispanic, not a low income, not as a southwest,  
4 just look at it as an American tragedy, the quicker that  
5 we could do that together as a group, the quicker we  
6 will be able to do what's morally right and what's --  
7 morally what we consider to be justice.

8 And I'd like to challenge everybody here to  
9 start looking at it that way. I know that there's a lot  
10 of people that have personal vested interest in trying  
11 to set a divide, and I would like to challenge everybody  
12 to start looking at this through that scope. And the  
13 quicker we do that, the quicker we will be able to  
14 understand what the challenge really is and actually fix  
15 the problem. Thank you.

16 MR. RABBITT: Thank you, Gustavo.

17 I'm going to go back and ask if Rafael Vasquez  
18 is in the audience from MEChA? We do have a letter that  
19 they presented, I just wanted to make sure that we  
20 didn't skip Rafael.

21 And then I want to check if Warren Hays from  
22 the Law Enforcement Chaplaincy is here.

23 Is someone here for Rafael for MEChA?

24 UNIDENTIFIED SPEAKER: Rafael wasn't able to  
25 make it today, but I will be speaking on behalf of MEChA

1 SRJC.

2 MR. RABBITT: Okay.

3 UNIDENTIFIED SPEAKER: Okay. So as a result  
4 of the tragedy that recently took the life of Andy  
5 Lopez, and has affected the lives of endless  
6 individuals, as residents of Sonoma County, we ask our  
7 district attorney, Jill Ravich, members of our city  
8 council, and our Sonoma County Board of Supervisors to  
9 support MEChA SRJC in the following demands: First,  
10 transparency during the investigation. Number two, for  
11 a community review board with subpoena power to be  
12 created in order for transparency to exist. Number  
13 three, a community involvement in educating our youth  
14 and families about their rights when dealing with the  
15 law enforcement. Four, the continuous training of law  
16 enforcement agencies when dealing with diverse  
17 communities. And five, that a park be created in  
18 memorial to Andy Lopez at the site of his death. Excuse  
19 me.

20 With these demands, we intend to meet the  
21 needs of our community. As youth and leaders of this  
22 community, we will not stand for such an incident to  
23 occur again. We demand your support for our demands.  
24 Together with transparency and cooperation, we will  
25 ensure that -- justice for Andy Lopez, his family and

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1 his community. We have created a petition to gather  
2 support that can be found at [www.change.org](http://www.change.org).

3 Should you have any questions, feel free to  
4 e-mail us. We appreciate your time. Respectfully,  
5 MEChA SRJC.

6 MR. RABBITT: Thank you very much.

7 With that, we'll move on to cards. I do  
8 have -- I want to ask a young man I met the other night  
9 at the North Bay Organizing Project if he can come  
10 speak. I see him peeking around the corner. And that's  
11 Michael Yotis?

12 MR. YOTIS: Yotis.

13 MR. RABBITT: Yotis. I saw the tilde there.  
14 I wasn't sure. Thank you.

15 MR. YOTIS: Thank you, Supervisor Rabbitt,  
16 board, everyone in attendance.

17 Like the rest of you, I'm here because I want  
18 to see things happen differently going forward. I felt  
19 grief, great grief, when I heard the news. I'm a father  
20 and my boy loves playing with his toy guns. And just  
21 that mistake could happen so quickly and so  
22 definitively.

23 I'm a strategy facilitator. I help  
24 organizations develop strategies involving all  
25 stakeholders. And I am proposing to develop a workshop

1 similar to some of the things we've heard already  
2 proposed along the line of restorative justice. But  
3 what my workshop would offer is strategies developed  
4 together in a one-day workshop involving stakeholders  
5 from the government, the sheriff's office, the  
6 community, and community organizations.

7           They would each have input into the process,  
8 and in that group activity, they develop strategies  
9 together and buy in together because it's been developed  
10 in the day, working together, people using a process  
11 that's quite different than what you have seen before.  
12 It involves a conversation without words. Much of is  
13 done in silence, on paper, so it's completely  
14 horizontal. That is to say it's a democratic,  
15 egalitarian approach.

16           What it offers is a new channel for community  
17 and government to hear each other and offer mutual  
18 respect. It's been proven in the redefinition of the  
19 Australian IRS. It's been used by companies and local  
20 organizations. It's very effective. But really what it  
21 offers is a chance for every voice to have equal impact,  
22 and for people with unique perspectives from, again, the  
23 neighborhood. The gentleman who was on the field trip  
24 with Andy, what he learned about Andy in that day, then  
25 informs what he understands about a young man and how he

1 carries himself in the world and how that can influence  
2 these kind of interactions in the future. Someone in  
3 the sheriff's department, why you feel compelled to pull  
4 a trigger at that moment in the way that none of us are  
5 able to understand.

6 Those inputs can't be brought together simply  
7 through dialogue or negotiation, but rather in the  
8 moment in an inclusive process. We've talked a lot  
9 about justice today. This is a complex issue. This  
10 system is designed to address complex issues, and  
11 there's an ancient formulation of justice which says  
12 that justice is helping our friends and harming our  
13 enemies.

14 I understand that there's a lawsuit, and that  
15 may impact the way things move forward in these  
16 inclusive proposals. But really we need to look beyond  
17 that kind of retribution and think about what would be  
18 the greatest justice, and that would be real, measurable  
19 change.

20 So again, what this workshop would offer is a  
21 strategy developed by all stakeholders in a one-day  
22 event, then projects proposed during that event,  
23 organized in a way that the projects would have the  
24 greatest payoff would be shown -- would be connected  
25 with the easiest things to do first. Would be very



1 clear and worked out so that everyone would see how it  
2 was developed together on the day of. And then there  
3 would be a management system that would be coached to  
4 people accountable in community, in government, so that  
5 these would be carried forward.

6 So thank you for your time. I'd like to  
7 just -- I know we're being streamed and recorded, so my  
8 name is Mike Yotis, and my contact information is  
9 mike@greenmba.com. So anyone outside of this room is  
10 welcome to reach out to me as well. I do have coalition  
11 participation developed already with some city officials  
12 and local community organizers committed to this  
13 workshop. I do look forward to seeing you guys there as  
14 well.

15 MR. RABBITT: Thank you, Michael. Appreciate  
16 that.

17 I do have in front of me 17 cards. And I  
18 don't want to shortchange public comment because  
19 obviously we want to hear from you. All I can ask is  
20 we'll do the usual three minutes. And if something has  
21 been said already, if you could just keep it shorter,  
22 that will be ideal.

23 First up is Tom Chesterman. Is it Father Tom  
24 Chesterman?

25 MR. CARRILLO: Mr. Chairman, I might also

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1 suggest that for folks who cannot potentially fulfill  
2 the -- the comments in the three minutes, that we can  
3 follow-up via e-mail or letter to any one of our offices  
4 or to the county administrators to ensure --

5 MR. RABBITT: I appreciate that.

6 MR. CARRILLO: -- that we have the input  
7 available.

8 MR. RABBITT: And again, this is the first  
9 conversation of many. And we look forward to hearing  
10 from you in any format, whether it's here at the  
11 chamber, through e-mail or phone calls, or at our next  
12 meeting.

13 FATHER CHESTERMAN: I'm Father Tom Chesterman.  
14 I am the child of immigrants. I don't look like an  
15 immigrant because my -- my forbearers that came from  
16 elsewhere were, you know, the same kind of racial makeup  
17 that the majority is. But I know the feeling, and I  
18 know the -- have the understanding of what it is to know  
19 that you don't speak English to your grandparents  
20 because they don't understand it. And I know what it is  
21 to be part of a community that wonders about  
22 authorities, and police in particular. But then again,  
23 I have a brother-in-law who was a retired police chief  
24 in a peninsula town. So I come at this from all sorts  
25 of directions.

1           My concern is that there is a brokenness that  
2 was obvious in the police reaction to Andy Lopez, to  
3 that boy walking down the street. And I think that we  
4 need to look seriously at such examples, as well it's  
5 community policing I think is the -- and that has been  
6 alluded to. But I'd like to underscore the need for  
7 having community policing as the ideal, rather than  
8 policing in order to just find crime and fight crime.  
9 The superheroes should be able to do that. Our police  
10 are not necessarily superheroes, but police who know the  
11 community, who do get out of their cars to do something  
12 other than trail a dangerous looking person, who get out  
13 of their cars in order to talk, simply talk to the  
14 neighborhood. That's important.

15           And that's -- and I -- a system that can be  
16 done, should have been done, needs to be done. And I  
17 urge that we do that so that the policing authority  
18 becomes a human and humane authority. One of the things  
19 that we learn in dealing with people is that feelings  
20 are facts, and that's -- the feelings of the community  
21 toward the police is a fact, and it's a fact we need to  
22 take in account. Thank you.

23           MR. RABBITT: Thank you, Father.

24           Alfredo Sanchez.

25           MR. SANCHEZ: I'm Alfredo Sanchez. I come as

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1 a parent. I have ten kids. I practice nonviolence. I  
2 live with Cesar Chavez before. You know, I rebuke any  
3 leader that is trying to harness my anger at what  
4 happened right now. You know, one of the things that I  
5 will tell you is the situation is this: Mississippi  
6 one, Mississippi two, Mississippi three, Mississippi  
7 four, Mississippi five, Mississippi six, Mississippi  
8 seven, Mississippi eight, Mississippi nine, Mississippi  
9 ten. Boom.

10 A life was taken in ten seconds. And I don't  
11 believe in the American tragedy. If it was an American  
12 tragedy, just on October 10th, if I am not mistaken, or  
13 11th, Fountaingrove, it took 11 hours to take an  
14 individual with a loaded gun out. And over here on this  
15 other side of town, I don't give a crap, it is divided,  
16 and you gotta glance at it. It is divided and you have  
17 to look at it on this side of town. A kid with a toy  
18 was taken, not -- not -- not a gun. You know, a toy.  
19 Let's get that straight, because people are confusing  
20 it, a kid with a gun. No, it was a toy.

21 Another thing is, I respect law officers. But  
22 I'm gonna tell you, you guys didn't send -- you didn't  
23 send somebody to that neighborhood that was a police  
24 officer or a sheriff. You sent a soldier in there.  
25 That's what happened. Now, I'm going to tell you right

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1 now, I got ten kids. And when one of my ten kids, you  
2 know, does something wrong, I'm responsible. I'm the  
3 man. I'm the man. Nobody else. I need to take care of  
4 it. You know what? Like it or not, you're the bosses  
5 of that individual. If we are in a crossroads, you  
6 guys, there's going to be an outcome for that  
7 individual, but there's also going to be an outcome for  
8 the political future of you guys, too, if this is not  
9 taken care of the right way.

10 You know, and I -- and like I said, again, you  
11 know what, I rebuke anybody that tries to harness my  
12 anger because this is nonviolence. You know, the kids  
13 have been practicing nonviolence, but you know what?  
14 I'm happy that they are angry.

15 (Applause.)

16 MR. RABBITT: Curks Byrd.

17 If we can -- if we can do this for the  
18 clapping, we'll just get through it quicker or else  
19 we'll -- won't have an opportunity for everyone to  
20 speak. Thanks.

21 MR. BYRD: Good morning, Chair Rabbitt and  
22 supervisors. I speak to you from an historical  
23 perspective. I'm a native Santa Rosan. I'm also a  
24 minister. I'm also obtaining my master divinity degree  
25 at Golden Gate Baptist Theological Seminary. I'm

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1 working really hard in our community.

2 In a decade prior to 1999, there were over 25  
3 citizens who died at the hands of Sonoma County law  
4 enforcement. In response to the horrific loss of life,  
5 there were community meetings, protests, letter writing  
6 efforts, lawsuits, public comment at both town and city  
7 councils, and also at the Board of Supervisors. In  
8 reaction to the community outcry over the continued loss  
9 of life, there was an investigation by the United States  
10 Commission on Civil Rights, as well as an investigation  
11 by the Sonoma County Grand Jury. They both laid out a  
12 clear blueprint for change. In 1997 through '98, in the  
13 final report of the Sonoma County Grand Jury, they  
14 reached the following conclusions: All departments are  
15 not doing enough to recruit minority and women --  
16 minorities and women. Release of accurate and timely  
17 information to public -- to the public after a serious  
18 incident involving a sworn officer should be instituted  
19 by all departments. Improvements in civilian complaint  
20 processes are needed. The Board of Supervisors, town  
21 and city councils, must take a stand on the creation of  
22 advisory committees and/or civilian review boards.

23 And it continues in 1999, the -- the advisory  
24 committee on the United States Commission on Civil  
25 Rights also made the following recommendations:

1 Recruits in higher community conscious personnel.  
2 Adequately train all officers in cultural sensitivity,  
3 racial profiling, mental health and excessive force  
4 policies. It also says proactively maintain diverse and  
5 effective police departments. Eliminate barriers to  
6 citizens filing complaints against police. Ensure a  
7 thorough -- thorough investigation of all  
8 officer-involved deaths.

9 In 20 -- in 2007, Jeremiah Chass died at the  
10 hands of the Sonoma County -- at the hands of a Sonoma  
11 County sheriff. Again, there was community outcry, and  
12 again, there was the same investigation process. In  
13 2013, and my heart goes out to the Lopez family, Andy  
14 died at the hands of a Sonoma County sheriff. He is the  
15 57th citizen who has died at the hands of Sonoma County  
16 law enforcement since the United States Commission on  
17 Civil Rights and grand jury reached their conclusions.

18 Again, there is an abundance of community  
19 meetings, protests, demonstrations, letter writing  
20 efforts, lawsuits and public comment to the town  
21 councils and Board of Supervisors, and again, the same  
22 process, the same investigation process, subsequent to  
23 nearly 90 deaths at the hands of Sonoma County law  
24 enforcement. Albert Einstein calls doing the same thing  
25 over and over again and expecting different results

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1 insanity. The citizens of Sonoma County and now the  
2 world are watching to see if our local public officials  
3 take a stand for accountability, transparency, restore  
4 the public trust and stop the insanity.

5 Thank you for your time.

6 MR. RABBITT: Thank you.

7 Elizabeth Cozine.

8 I will ask if everyone could really try to  
9 keep to the three minutes. It will give more people the  
10 opportunity to speak.

11 MS. COZINE: Hello. I'm Elizabeth Cozine.  
12 Thank you so much for having me.

13 MR. RABBITT: Sorry.

14 MS. COZINE: And I really appreciate the  
15 board's willingness to hear from the community. But I  
16 hope, like the last speaker, that instead of just  
17 hearing this, this is actually the time for change.

18 I've been a member of -- I've been -- I've  
19 lived in Sonoma County for about 30 years, and I've been  
20 upset with the number of law enforcement civilian deaths  
21 for years. But this incident hit particularly close to  
22 home. My husband is a firefighter at the Todd Road  
23 station and was the first responder on the incident for  
24 Andy, and he provided first aid and CPR for Andy that  
25 day.



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1 I later found out that Andy lives in -- on a  
2 property that -- that I lived in -- that I lived in when  
3 I first moved here 30 years ago on Moorland Avenue. The  
4 sheer number of shootings in this community -- the sheer  
5 number of shooting -- shooting deaths at the hands of  
6 Sonoma County law enforcement indicates a true  
7 disservice to its citizens whose suffering an inevitable  
8 mistrust of the police has far reaching manifestations.  
9 And also for the police officers, for whom the killing  
10 of fellow community members, including children and  
11 mentally ill, cannot help but have lasting and damaging  
12 effects.

13 So I would propose -- I -- I have to say I  
14 really loved Supervisor Zane's recommendations. I  
15 consider all -- I support all of those. But these are  
16 the things that I have hi -- I have thought and have  
17 decided to highlight: One is that absolutely we need a  
18 comprehensive independent review board. That's been  
19 recommended before, and I put my heart behind that.  
20 When you are rubber stamping clearing of one department  
21 for the other, not only -- it might provide legal cover  
22 for the officers involved, but it does nothing to  
23 restore trust to the community, nor does it allow a  
24 really thorough and open investigation so that other  
25 officers in the area can learn from the mistakes that

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1 were made during that incident and change the protocol  
2 in order to, you know, ensure that it's never repeated.

3 The -- let's see. Also, I believe that we can  
4 have change, big change, within the police departments  
5 themselves. Other communities have done this. In 1984,  
6 the City of New York had 90 civilian -- police --  
7 civilians die at the hands of their police officers.  
8 And they went ahead and made a change that year in their  
9 use of legal force. And basically it was just a change  
10 in policy. They actually hadn't even instituted any new  
11 training in that -- in the subsequent year. And in  
12 1985, they dropped the deaths down to 12, just by saying  
13 that lethal force was off the table except for under the  
14 most severe circumstances.

15 In Miami in 2003, there had been a rash of --  
16 they'd gone through a decade of a lot of police  
17 corruption and a lot of police shootings. They were  
18 able -- they brought in a new police chief, and they  
19 changed the use of lethal -- lethal force. And they  
20 were able to go -- in 2003, they were able to go  
21 20 months without any shootings at all. And then for  
22 four years, they were able to bring it down to only two  
23 shootings in those subsequent years.

24 Even New York currently, with a population of  
25 8 million people, they had -- in 2010, they had eight

1 civilian shooting -- shootings of civilians by police  
2 officers. And that's one for every million citizens.  
3 If we had a rate like that in Sonoma County, that would  
4 be one shooting every two and a half years. And I think  
5 that we could really, you know, make some changes that  
6 way. Another thing that I would like to say that hasn't  
7 been said -- and I'm sorry, I know I'm out of time,  
8 but --

9 MR. RABBITT: If you could wrap it up.

10 MS. COZINE: If we could improve the  
11 psychological support that's given for officers, it's  
12 been made clear that perhaps Officer Gelhaus was having  
13 some emotional distress. There had been an incident in  
14 August recently where he had pulled a gun in -- on -- at  
15 a -- at a traffic stop. And if those things had been  
16 taken seriously and officers were given the support they  
17 need, it's a very difficult and high burnout job, then  
18 perhaps he would not have been on the street that day,  
19 and Andy would still be alive. And he would not be  
20 living with it -- and Officer Gelhaus would not be  
21 living with what I'm sure he's living with today as  
22 well.

23 Thank you for your time and I just want to say  
24 that this is the time to make action, and that we really  
25 deserve better. And, I'm sorry, one more thing.

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1 MR. RABBITT: Thank you, Elizabeth.

2 MS. COZINE: Okay. Okay.

3 MR. RABBITT: Really, we have to let everyone  
4 have their say.

5 MS. COZINE: Okay. I was just going to say,  
6 the militarization of the police force, if we could just  
7 change that --

8 MR. RABBITT: Thank you.

9 MS. COZINE: Okay.

10 MR. RABBITT: Again, I don't want to cut  
11 anyone off, but at the same time, I think we want to  
12 hear from everyone, and everyone has something very,  
13 very important to say. No one person anymore than the  
14 other.

15 Lynette Kronick.

16 MS. KRONICK: Good morning, Chairman Rabbitt  
17 and the board. I'm speaking on behalf of Keith  
18 Reinhardt, candidate for fourth district supervisor. He  
19 cannot be here because he's substituting today in  
20 Bellevue district.

21 Anyway, his remarks are: The tragic shooting  
22 of Andy Lopez brings to the forefront our darkest  
23 memories of police shootings in our community in which  
24 some of our citizens have been killed by officers in the  
25 line of duty, or have been killed because they prefer to

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1 take their chances with their own loved ones rather than  
2 the risk the law enforcement agency shooting of a family  
3 member. Everyone of these deaths and shootings has been  
4 found justifiable by our own local investigative  
5 agencies, no matter how the agencies were mixed and  
6 matched. So why is it that time after time, our same  
7 agencies pay millions of taxpayer dollars in civil  
8 claims following these shootings? \$1.75 million here,  
9 \$500,000 there, plus the cost of litigation, including  
10 multiple appeals.

11 So now another Sonoma County citizen is  
12 literally gunned down. A 13-year-old boy this time,  
13 walking in his neighborhood with an Airsoft gun. That  
14 lawsuit started yesterday and it will cost millions of  
15 our taxpayer dollars. That on top of the loss of Andy  
16 Lopez, indeed, of any child, entrusted to our governance  
17 within the borders of this great and beautiful county.  
18 This is simply unacceptable, morally and as a business  
19 practice. We're still only a car length or two ahead of  
20 the tension crisis that threatened to destroy us five  
21 years ago.

22 So what can we do differently this time? We  
23 can only move forward. Unfortunately, Andy Lopez cannot  
24 move forward. With Andy Lopez and all the other  
25 citizens, victims of these shootings in our hearts in

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1 mind, we feel it's time to demand, once again, that you  
2 authorize a law enforcement agency review board of  
3 Sonoma County with jurisdiction over all police agencies  
4 within its borders. The review board should be made up  
5 of citizen representatives, law enforcement agency  
6 representatives, bargaining unit representatives, county  
7 supervisors, and advisors deemed necessary on a  
8 case-by-case basis.

9 As we move forward, we simply cannot continue  
10 to trust these agencies without oversight and  
11 accountability. On top of our sorrow, we will still  
12 have to pay the millions of dollars in bills this one  
13 mistake will incur. The time is now. We average,  
14 everyday citizens must have more input as to how our law  
15 enforcement agencies and their armed personnel interact  
16 with our citizens and how these matters are resolved.  
17 We the people, and we demand a say in who is walking our  
18 community streets fully armed. We need a Sonoma County  
19 law enforcement agency review board with the authority  
20 to hold our agencies and armed personnel account --  
21 accountable to our citizens.

22 Thank you.

23 MR. RABBITT: Jonathan Melrud.

24 After Jonathan will be Diana Anglero.

25 MR. MELRUD: Yes. My name is Jonathan Melrud,

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1 and I'm part of the deligation of four people who will  
2 be meeting at 2:30, with Christine Cook, the assistant  
3 district attorney, and Dave Buffy, the senior crime  
4 investigator. We're meeting with them on behalf of the  
5 Lopez family.

6 I'd like to ask you: Do you recognize this?  
7 Does any supervisor recognize this? Does anybody in the  
8 crowd recognize this? This is the orange tip off of my  
9 son's AK-47 air gun rifle. He was never shot because  
10 he's a white kid in a middle-class neighborhood. The  
11 truth is that Andy was shot because he's a brown kid in  
12 a brown neighborhood that's disenfranchised. That's  
13 what nobody's addressing here, and that's what we have  
14 to look at. We have to look at an inequitable system of  
15 justice. We have the Santa Rosa Police Department  
16 investigating. We have the sheriff's department  
17 investigating. We have the FBI deferring to both of  
18 them. That's like asking the fox to watch the chicken  
19 house. They will not indict a fellow officer, no matter  
20 what he did.

21 What is his defense? His defense is a  
22 completely subjective defense. "I felt that my life was  
23 in danger." He wrote -- SWAT magazine, that if you're  
24 confronted with a BB gun and you feel your life is in  
25 danger, you have the right to shoot. Is that -- is that

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1 what we want to allow? It is not. When we meet with  
2 the district attorney, we will be presenting her with  
3 this declaration, which I'd like to ask -- ask the  
4 bailiff to give to the supervisors to enter it into the  
5 record.

6 MR. RABBITT: You can give it to the clerk,  
7 please.

8 MR. MELRUD: I'm used to being with a bailiff.  
9 Okay. To the clerk. Sitting at the lawyers' table.  
10 Excuse me.

11 What we've asked for is that we need -- and  
12 it's clearly stated here, we would like to ask the  
13 supervisors to pass a motion recommending that the  
14 district attorney convene an independent grand jury of  
15 community peers to hear evidence, to prepare a true  
16 bill, a true bill that will lead to an indictment of  
17 Sheriff Gelhaus.

18 I hold here the autopsy that was introduced by  
19 the attorneys yesterday at the -- at the press  
20 conference in San Francisco. That is objective  
21 evidence, not a subjective statement that, "I felt  
22 endangered," but evidence that the first bullet went  
23 into Andy Lopez's body. It pierced his heart and it  
24 killed him. The remaining shots were shot downward as  
25 he lay on the ground and they continued to enter his



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1 body.

2 MR. RABBITT: If you could wrap it up.

3 MR. MELRUD: That's the evidence. I'd like to  
4 know, will you look at a motion that you ask the  
5 district attorney to convene a grand jury that's  
6 independent, transparent? The Lopez family does  
7 not want --

8 MR. RABBITT: You gotta wrap it up.

9 MR. MELRUD: -- a future -- the Lopez family  
10 does not want a future dealing with the issue, they want  
11 Sheriff Gelhaus dealt with now for what he did to their  
12 son.

13 (Applause.)

14 MR. RABBITT: Diana Anglero. I'm sorry if I  
15 butchered your name.

16 MR. MELRUD: Did I have an answer to my  
17 motion?

18 MR. RABBITT: This is public comment.

19 MR. MELRUD: Oh, okay. Well --

20 (Simultaneous colloquy.)

21 MR. RABBITT: You have to stick around to get  
22 your answer. Thank you.

23 Again, I think we can all keep to three  
24 minutes, and everyone can have a chance to say  
25 something.

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1 Peter Tscherneff is after Diana. Thank you  
2 very much.

3 MS. ANGLERO: Hello. My name is Diana  
4 Anglero, and I moved here in 1993 from Alameda County in  
5 Hayward. I came -- I brought four brown sons with me.  
6 They were all under the -- between the age of two and  
7 13. When I lived in Hayward, we -- they were never  
8 stopped by the police. As soon as I moved to west  
9 county, they began to stop my children, asking them to  
10 lift their shirts, to identify if they were some  
11 Norteños or Sureños gang.

12 I am me. I've never been part of a gang. My  
13 husband is black. He's from Barbados. My children are  
14 not Mexican, they are human beings. That -- that's what  
15 they considered themselves. And they are treated like  
16 animals. They were stalked and hunted down. I have to  
17 make this short, and I promised my son I would write --  
18 I would say this -- I'd read this.

19 "I have grown up" -- "or, "I have grown up  
20 with guns in my face. Officers yelling, 'Get the dog or  
21 I'll shoot it.' Police screaming while corralling my  
22 mama, my baby sister and my baby brother. Raiding,  
23 parading guns in their face. I have grown up seeing  
24 guns in my face, not from thugs or gangs, but the  
25 police. If you have put a gun in the people's face, ten

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1 percent of the people would do something stupid out of  
2 fear like run or attack. If you are a cop, you know  
3 what you're getting into. Fighting evil. Well, this is  
4 home of the brave. Our police need to be brave. They  
5 have vests on. I want our police to be tough, to be bad  
6 ass, not scared, making scared decisions."

7 I've worked for Sonoma County schools for  
8 13 years. I've seen programs that are supposed to  
9 combine the community law enforcement, and they just  
10 don't work. The officers are too cavalier. They have  
11 their own agenda and own fears, own codes. I really  
12 don't even know what they are. I do know that it's ran  
13 like this: It's a star system I created. It's called  
14 the five star to graduation to prison. It begins with  
15 them pursuing you and stalking you in your community.  
16 And then as soon as you're arrested, they classify you  
17 in the jail. It doesn't matter who you are. If you are  
18 brown, they will put you in a little cell and classify  
19 you. After they do that, they will criminalize you,  
20 depending on what neighborhood you come in, and they  
21 will classify you through your neighborhood. Then they  
22 will imprison you, and then they will kill or injure  
23 you.

24 This has got to stop. This is not the way we  
25 treat the community, the way we treat our future

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1 children of color. I have three sons. One is in  
2 prison. They sent him so far away I can't go see him.  
3 I -- I gave him to Sonoma County because I thought they  
4 could help him. They destroyed his life, my life, and  
5 our future lives.

6 I have a second son that is criminalized right  
7 now because he's trying to help a son with mental  
8 illness. She is a cutter. She is cutting herself.  
9 Instead of taking and getting her mental help, they have  
10 criminalized my son and calling him abusive. He was  
11 walking across the Guerneville bridge about a year and a  
12 half ago, and the police started mocking him. That's  
13 what your policeman do. They mock people. They call  
14 people of color drug addicts and dealers and gangsters.  
15 And our children, especially the ones who have -- Cesar  
16 Chavez and Martin Luther King, and, you know, pictures  
17 like that up on the walls, they ask themselves why? You  
18 know, why? Why do they treat me this way? So they  
19 speak up. When you mock them, when they mock them, when  
20 they call them names, they speak up and you get beat.

21 MR. RABBITT: Diana, you're gonna have to wrap  
22 it up.

23 MS. ANGLERO: Thank you.

24 MR. RABBITT: Peter Tscherneff. Peter, three  
25 minutes.

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1           After Peter is Marty McReynolds, and after  
2 Marty is Karen Fraser. Again, I would ask everyone, for  
3 the sake of your fellow citizens, to keep it to three  
4 minutes so everyone could have a say.

5           MR. TSCHERNEFF: Come out of this system onto  
6 a spiritual plain, lest you remain, amidst the insane.  
7 Andy Lopez be the son of every laborer in America.  
8 Justice be opening the promise land, the 40-day system,  
9 lockdown be the power and plan. You best have the faith  
10 in the lion's den, as Daniel, for clearly you all be  
11 lost amidst the wiles of Sataniel. Remember, remember  
12 this fifth of November, as Andy's killing, just another  
13 sacrifice as the system's tender. A murderous system  
14 that long ago believed it did heist the truth, the  
15 authority, and the power of Christ. But this I promise,  
16 be hardly true, as I speak through my heart to the  
17 hearts of you. Many seek a guilty party while it be the  
18 likes of all, for you've maintained the killing sword,  
19 denying the living Lord, the 40-day strike to freedom be  
20 the almighty call. Many hearts be crying to God as  
21 sincere believer, even as a blunt row be taking his name  
22 in vain as serpent deceiver. It seems -- I've seen  
23 speakers release their tears, yet continue remaining  
24 cold as ice to the millions scheduled to the slaughter  
25 house today of all their terrors and fears. Adonai

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1 Elohim, I be your servant's son, almighty see, almighty  
2 be, true hearts be arisen by almighty action as one.  
3 And the likes of those self important, self righteous of  
4 a murderous system, the satanic empire. The first  
5 baptism was by water, comes now the baptism by fire.  
6 Behind all of this pain and killings and murders be the  
7 fact that the religions have mistaught us all for  
8 centuries, for he always made a reference to the animals  
9 when he spoke of the least of me.

10 I'll finish by reading just a short paragraph  
11 about Adonai Elohim, AKA Jesus.

12 Verily I say unto you, though they who partake  
13 of benefits, which are gotten by wronging one of God's  
14 creatures cannot be righteous, nor can they understand  
15 holy things or teach them the mysteries of the kingdom,  
16 whose hands are stained with blood or whose mouths are  
17 defiled with flesh. Wherefore I say unto all who desire  
18 to be my disciples, keep your hands from bloodshed and  
19 let no flesh meet any your mouths.

20 I am Peter, and you need to understand, or  
21 make a decision, those behind me and those before --

22 MR. RABBITT: Wrap it up, Peter.

23 MR. TSCHERNEFF: Are you -- are you God or  
24 shall we all remain a bunch of silly sods? The power be  
25 in our heart, now be the time to start. It's the 40-day

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1 strike. Anything short of a 40-day strike --

2 MR. RABBITT: Marty McReynolds.

3 MR. TSCHERNEFF: (Hebrew spoken.) 40 days and  
4 40 nights will open up a world to the promise land. We  
5 are the --

6 MR. RABBITT: Peter, take it outside.

7 MR. MCREYNOLDS: Good morning. I'm Marty  
8 McReynolds, chair of the Sonoma County chapter of the  
9 Civil Liberties Union. Thank you for letting me speak.

10 One subject I didn't intend to address today,  
11 I don't know how you usually start your meetings, and  
12 I'm sure it was out of sensitivity that you started with  
13 religious invocation, but I'd have to say that,  
14 personally, I'm sure the Bishop was very sincere in his  
15 remarks, but I did not find it appropriate or helpful to  
16 have religion injected into the public meeting.

17 On Andy Lopez, I can only support and echo  
18 what Supervisor Zane and some of our other speakers have  
19 said, that we need a total transparent investigation in  
20 the near-term and in the long-term. We need to have an  
21 independent citizen review board with subpoena powers  
22 that can call witnesses and issue independent  
23 recommendations apart from the county or the police, law  
24 enforcement establishment. That's really all.

25 Thank you very much.

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1 MR. RABBITT: Thank you.

2 Karen Fraser.

3 After Karen will be Jose Castaneda. And after  
4 Jose will be Catherine Barnard.

5 MS. FRASER: Thank you for inviting the public  
6 this morning. My name is Karen Fraser. I am a Sonoma  
7 County resident. As a victim's rights activist, I have  
8 been before you many times recently, and have been  
9 returning to discuss the plight of Jane Doe, who was  
10 victimized by Supervisor Carrillo, on the early morning  
11 of July 13th, for which Supervisor Carrillo will plead  
12 out, I hope, in early December.

13 This case is different. The people who I  
14 usually advocate for survive. Andy Lopez had no chance.  
15 As reported during the Santa Rosa Police Department  
16 homicide division press conference, ten seconds passed  
17 as Alfredo Sanchez powerfully counted out to us this  
18 morning, between the call and announcing weapons spotted  
19 to subject down. A teenage boy begins to turn,  
20 responding to the demands of the sheriff's orders, and  
21 is shot down like an enemy combatant in Volusia. A  
22 tragedy for a family, a community, law enforcement. An  
23 unjust murder, a life unfinished.

24 I hope this board does assist in creating a  
25 civilian review board as suggested by Supervisor Zane.



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1 Representing citizens from all five districts, community  
2 leaders, teachers, retired law enforcement, ER doctors,  
3 social workers, elected officials, active National  
4 Guard.

5           Finally, I respectfully ask the board members  
6 to talk directly to the community, members and the  
7 leaders of community, rather than creating sound bites  
8 for network television. And I'm not saying that anybody  
9 has done that. This tragedy is about the Lopez family  
10 and the Latino community of Sonoma County. It is their  
11 voices that I want to hear in the media. I end with my  
12 condolences, my deepest condolences and strength to heal  
13 what's missing now to Andy Lopez's immediate family,  
14 play cousins, friends, co-students, community members,  
15 and all those who have been impacted by his untimely and  
16 unacceptable killing.

17           Thank you.

18           MR. RABBITT: Jose Castaneda. After Jose will  
19 be Catherine Barnard and then Esmeralda Gonzalez.

20           MR. CASTANEDA: Buenos dias, supervisors.

21           I'm a local resident of Sonoma County. I  
22 appreciate the opportunity to address you today on such  
23 a delicate matter. First of all, let me start by saying  
24 that heartfelt condolences go out to the Lopez family  
25 for their untimely, regrettable and probably preventable

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1 death of their son, Andy.

2           There are no words we can say to alleviate the  
3 anguish over their tragic loss, but what we can say to  
4 the Lopez family is estamos contigo. We are with you.  
5 We are here. We are here to support you. We are here  
6 to support justice for Andy. We are here to support  
7 transparent and honest investigation that acknowledges  
8 wrongdoing by Officer Gelhaus if evidence leads to that  
9 discovery. Andy's death has galvanized the Latino  
10 community. A community which has been marginalized  
11 because of ethnicity, social economic status and class  
12 structure. There should be no mistake, and I urge all  
13 local elected leaders and law enforcement agencies to  
14 not underestimate the resolve of the Lopez family and  
15 the local Latino community to stick together, to work  
16 within the system with the end goal of changing a police  
17 bureaucracy that seems to act as predator to the people  
18 it is meant to protect and serve. There is a disparity  
19 in the Moorland neighborhood, and the City of Santa Rosa  
20 has been talking about it for 20 years. One must wonder  
21 if action was taken sooner, would Andy still be alive  
22 today?

23           Officer Gelhaus is an arms expert. A 24-year  
24 veteran of the sheriff's office, and a battle-tested  
25 veteran of the Iraq war. He surely sounds like the kind

1 of man you'd want by your side in a firefight. But one  
2 must wonder if an urban setting is the right environment  
3 for a man of his talents, with a mean gene, to practice  
4 community policing. Is there any doubt that some  
5 officers entering Moorland neighborhood are prejudiced  
6 to violence and mayhem instead of interacting with  
7 peaceful, hard-working families that live paycheck to  
8 paycheck, and treat kids playing with toy guns as such,  
9 not as enemy combatants in the fields of Iraq?

10 Many hearts are broken. Trust has been  
11 broken. Lines of communication are broken. It is time  
12 that people in positions of power see reality as it is  
13 and not as you'd like it to be. You work for us. You  
14 work for the Lopez family and you worked for Andy. He  
15 deserves respect. He deserves acknowledgement. And he  
16 deserves your sincere effort in discovering the truth  
17 behind his death. My hope is that today's call to  
18 action in support of Andy gives the Lopez family the  
19 strength to rebuild their lives and move forward with  
20 healing. But you can imagine doing so -- but can you  
21 imagine doing so if your heart has been ripped from your  
22 chest? Andy was Rodrigo and Sujey's angel --

23 MR RABBITT: You have to wrap it up, Jose.

24 MR. CASTANEDA: -- and that's how we will  
25 remember him.

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1 Thank you

2 MR. RABBITT: Thank you.

3 Catherine Barnard.

4 After Catherine will be Esmeralda Gonzalez,  
5 and after Esmeralda is Kev A-gil or Ag-il. Thank you.

6 MS. BARNARD: Good morning. My name is  
7 Catherine Barnard. I'm a psychologist. I'm an elder at  
8 First Presbyterian Church. And for last several years,  
9 I've tutored at Cook Middle School, as well as at  
10 juvenile hall. I love the kids of southwest Santa Rosa.  
11 Maybe most importantly, I'm -- my husband and I are  
12 parents of ten children and 15 grandchildren. I want to  
13 say I support the marches in our community. They've  
14 been important. And like my granddaughter Teresa said,  
15 I'm proud of my community.

16 But I want to comment on the focus of justice  
17 that is the anger focus. Anger is a stage of grief. It  
18 passes. Look at history. It passes. Restoration,  
19 restorative justice leads to forgiveness and  
20 reconciliation. And like has been said, that's what our  
21 community needs. I want to call the faith-based  
22 communities to step out and join groups like restorative  
23 justice and SAY, and all of those that have been  
24 mentioned to heal our community. The Lopez family and  
25 Erick Gelhaus will carry, for the rest of their lives,

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1 what happened. Our community's been wounded and many of  
2 us will carry it as well. May we please put legs to all  
3 the good words that have been said this morning, and  
4 each one of us do our part in healing.

5 Thank you.

6 MR. RABBITT: Thank you.

7 Esmeralda Gonzalez. Is Esmeralda here?

8 Kev, is it A-gil? Ag-il? A-g-i-l. Kev?

9 Omar Medina. Where's Omar? After Omar will  
10 be Brent Lindsay.

11 MR. MEDINA: Hi. My name's Omar Medina.

12 Sorry. I'm a little sick today. Actually woke up this  
13 morning feeling pretty sick and I didn't really plan on  
14 coming here and speaking. But some of the things that  
15 you all said kind of motivated me to speak. First off,  
16 one, Supervisor Zane, you talked about community  
17 policing. The first thought that came to mind was like,  
18 "Yeah, more police in the neighborhood, that's what we  
19 need." One personal thought.

20 Supervisor McGuire mentioned the -- the power  
21 behind the actions in the community joining together  
22 recently being something that happened for the first  
23 time, and I thought back to 2006 and seeing the  
24 community really unite behind the cause, behind  
25 immigration reform. (Inaudible.) That took me back to

1 immigration. And with immigration, I thought of the  
2 years of struggle that people have had recently,  
3 fighting for just immigration reform, but at the same  
4 time dealing with what I call sort of terrorism on the  
5 community, dealing with law enforcement, creating the  
6 tension.

7 And part of the feelings that have led to the  
8 situation that we now have, we've lost Andy Lopez and --  
9 and that's a very tragic situation. But at the same  
10 time, he's serving as a catalyst, a catalyst for change  
11 that I hope will be positive. I didn't come with any  
12 prepared remarks, but everything that I'm saying is a  
13 reflection as to what I've heard. And I've heard many  
14 of y'all talking about dealing with issues of social  
15 injustice and the situation with the police. And I  
16 think of us living in a community where this isn't just  
17 the Latino problem, this is everyone's problem. This is  
18 our community. We need equality. We need to all be  
19 treated fairly. It hurts me to know that there's  
20 officers out there that, at some point, have reached the  
21 lack of self control to be able to not react in such an  
22 aggressive matter towards people that look like me.

23 As a young boy, I liked to play with toy guns.  
24 I look brown. I was, and I feel that I still am, Andy  
25 Lopez. I, like Gustavo, you know, went to Cook, went to

1 Elsie Allen. You know, I identify with this community.  
2 I'm a former student of SRJC. I was a part of MEChA  
3 SRJC. That's MEChA, not Mecca. And so I stand here  
4 before you to let you know that I think it's important  
5 that you do something. I really don't care what you  
6 say, I care about what you do. I offer myself, if you  
7 want me, to participate in anything. If you want some  
8 constructive criticism about any policies that you  
9 choose to take on or implement, I'll be there. This is  
10 important to me. I've gone two nights where I'm having  
11 trouble sleeping thinking about it, which I find rare.  
12 But I hope that you act. I hope that you do something.  
13 The community demands it. And standing in line with the  
14 students of MEChA SRJC, I'm just one man, but I think  
15 that the students have good thoughts, good beliefs. And  
16 so what I'm going to do is I'm going to stand behind  
17 their demands. Whatever they choose to ask for, I'll  
18 stand behind and I'll support and I'll work towards.

19 Thank you.

20 MR. RABBITT: Thank you, Omar.

21 Brent Lindsay. After Brent is Jenny Klose.

22 After Jenny is Jim Duffy.

23 MR. LINDSAY: Thank you for this time. I'm  
24 Brent Lindsay. And I'd like to address a disease that's  
25 festered in this county for a long time called racism.

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1 And we've just hit a wound that's opened it up. I went  
2 to school here, I grew up here, 46 years here. I went  
3 to school in segregated pockets, where you would pass a  
4 group and judge them. And I had to go to college  
5 3,000 miles away, and I was fortunate enough to have an  
6 African American roommate. I'd hang out with his  
7 family, and suddenly I looked through the eyes of an  
8 individual what the world looked like from another --  
9 from another set of eyes. And I've come back to this  
10 county, my home, to continue to look through other  
11 people's eyes.

12 I do bilingual theater with the Imagists. I  
13 often will take our actors home because they've been  
14 pulled over and harassed so many times. Two of them  
15 have been deported. Terrorism is alive in this county,  
16 and people feel it. Racism is alive in this county, and  
17 we feel it. We are hurt by it. Our whole community is  
18 affected by it. I stand as a person with privilege to  
19 address my community to start making decisions to  
20 engage, to fight this disease. Start making choices,  
21 business choices, who you interact with, things that you  
22 support in this county, that will fight this disease  
23 called racism. Elect the officials that will engage and  
24 fight. We have had enough escape. We have escaped and  
25 hid under a cloak of progressive politics that is not



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1 real. It is getting better, but it's not real. It is  
2 fake.

3 I took my son to the field where Andy was shot  
4 and I said, "How did that make you feel?"

5 And my son said, "I felt really uncomfortable  
6 being white."

7 And I said, "Congratulations." That is how  
8 all of our white brothers and sisters should enter into  
9 these neighborhoods and stand where they feel  
10 uncomfortable. It is time. It is past time. The  
11 sheriffs, the police department where I have been  
12 witness to both harassing my Latino brothers and  
13 sisters, having them crawling, bawling on the sidewalk,  
14 as I approach them to take them and their car home and  
15 the police say, "I don't know what she's crying about."  
16 Is that real? I leave you with that.

17 MR. RABBITT: Jenny Klose.

18 Again, after Jenny will be Jim Duffy and then  
19 Michael Tebo.

20 MS. KLOSE: Good morning -- excuse me -- the  
21 board. Thank you for creating this opportunity to have  
22 this discussion. It's -- it's too bad that such a  
23 tragedy has caused us to come together to talk about  
24 social inequities, but I'm glad that we are starting  
25 this conversation. I hope it's the beginning. I've

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1 been thinking a lot about the role of our schools as  
2 related to these issues over the last couple weeks.

3 I grew up here, too, and I went to Brook Hill  
4 Elementary in the late seventies. And at the time, it  
5 was very diverse, and I was very lucky. After that, I  
6 went to schools with Brent Lindsay, and it was less  
7 diverse. But I think that because I started out in such  
8 a diverse environment, that that was my normal. And  
9 it's one of the reasons that I have a deep value for  
10 diversity. But now Brook Hill is 90 percent Latino, and  
11 across the city in Bennett -- or Rincon Valley, Hidden  
12 Valley is 90 percent white.

13 And that's like most of our schools. Our  
14 schools are pretty much segregated. And segregated is a  
15 loaded word. It's a word that, when I ran for office, I  
16 was advised not to use. And it's because it implies  
17 some level of intent or purposefulness. It's not  
18 accidental. There always has been some level of  
19 segregation in our schools due to geography and income,  
20 but if we are honest and if we're going to do this, we  
21 have to be, it exists to the level that it does now  
22 because of white flight. White flight that is  
23 unfortunately driven, I think, more by test scores than  
24 racism. And it's -- that's unfortunate because it's a  
25 real false measure. But it exists, and that is a

1 situation.

2 I don't know if no matter how -- how much  
3 our -- our curriculum focuses on multiculturalism, and no  
4 matter how much we, as adults and teachers in  
5 classrooms, are politically correct, I don't know if  
6 kids can develop the real value of diversity in a  
7 segregated school. I don't know if they can learn to  
8 work and play well with others that are not like them in  
9 a segregated school. So while we can teach people to  
10 appreciate diversity, or even a lower bar to tolerate  
11 differences or diversity, I'm not sure that we can  
12 develop those values. This level of segregation is not  
13 something that can be solved at a school level, and it  
14 can't be solved even probably at a district level. But  
15 it would require a real change in a community mindset  
16 about what we want our schools to look like.

17 Again, I hope this is the beginning of a  
18 conversation and that there are lots of the community  
19 members that have been here today that are involved in  
20 that -- in that conversation, and that it is as -- it is  
21 not politicized. I hope that we can all come together  
22 for the good of our community and leave politics out of  
23 it as much as humanly possible. Thanks.

24 MR. RABBITT: Thank you.

25 Jim Duffy.

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1                   Again, after Jim will be Michael T-e-b-o,  
2 Tebo?

3                   MR. TEBO: Yes.

4                   MR. DUFFY: My name is Jim Duffy. I'm a  
5 14-year resident of the county, and I live in Rohnert  
6 Park.

7                   I want to thank the Board of Supervisors for  
8 providing this opportunity for the people to address you  
9 regarding our concerns about the sheriff's department.  
10 It's clear that for a large segment of Sonoma County's  
11 population, the sheriff's department has lost  
12 legitimacy. Rather than being seen as a respected part  
13 of the community that provides policing services to the  
14 people, the department's seen as an entity to be feared  
15 and avoided.

16                   There's many ideas for how to address this  
17 loss of faith. Many are renewing calls for civilian  
18 review board. I would argue that any board should be  
19 proactive in manner to identify and address the  
20 underlying systemic problems within the department, as  
21 well as reactive to address any complaints against the  
22 department. There was an article in the paper yesterday  
23 about the police in Rialto, California who are now  
24 wearing cameras on patrol. After the cameras were  
25 introduced in February 2012, public complaints against

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1 their officers plunged by 88 percent compared to the  
2 previous 12 months, and the officers use of force fell  
3 by 60 percent. Maybe we should look at those for our  
4 sheriff's department.

5 Copies of the manuals could be made available  
6 to all branches of the Sonoma County Library so that  
7 people can read, understand, and have input into the  
8 roles of conduct that regard our -- that guide our  
9 departments when they're on patrol in our communities.  
10 The sheriff's department might want to explore putting  
11 out an annual report to the community. There's many  
12 ideas for ways to increase transparency with the  
13 sheriff's department and to build trust within the  
14 community, but we need an ongoing public mechanism to  
15 make that happen.

16 And so it sounds to me today like there's a  
17 commitment from the board to create that ongoing  
18 mechanism, not some short-term thing, but keep it going.  
19 And I want to thank you for that commitment and  
20 encourage you to really push forward this time.

21 Thank you.

22 MR. RABBITT: Thank you, Jim.

23 Michael. After Michael will be Wendell, is it  
24 Joost?

25 MR. TEBO: Good morning. Good morning, board

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1 members. Chairman Rabbitt.

2 My heart today is with the Lopez family. And  
3 this is -- this is a tragedy no family should ever have  
4 to bear. My remarks will be brief. I think Supervisor  
5 McGuire hit the nail on the head when he said the county  
6 must take a long, hard look in the mirror at itself. I  
7 returned last night from four days of training with the  
8 National Guard. I'm a trained soldier. I know what an  
9 Army looks like. Local law enforcement no longer looks  
10 like peace officers. They look like soldiers. Local  
11 law enforcement has become over militarized.

12 I drove past the courthouse this morning to  
13 see peace officers sworn to serve and protect wearing  
14 full battle dress uniforms, standing ready should there  
15 be any trouble with citizens exercising their  
16 constitutional rights.

17 My final point, real -- real simple. There  
18 should be citizen monitoring of local law enforcement  
19 and a demilitarization of the -- of local law  
20 enforcement agencies if we are ever to prevent an awful  
21 tragedy like this from happening again.

22 Thank you.

23 MR. RABBITT: Thank you.

24 Wendell. After Wendell will be Linda  
25 Mayberry-Chavez and then Vincent Gonzalez.

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1 MR. JOOST: Good morning, members of the  
2 board, fellow citizens.

3 My name is Wendell Joost. I am retired  
4 funeral director, and for 12 years was a special deputy  
5 coroner for Sonoma County. I'd first like to associate  
6 myself with all of the remarks of the speakers who have  
7 come before me, and the remarks of the Board of  
8 Supervisors.

9 Oversight is absolutely necessary. But I'd  
10 like to give you a little history on the coroner's  
11 office and what it might be able to do. Forty years  
12 ago, Sonoma County was in the forefront of streamlining  
13 government, and combined the elected coroner, public  
14 administrator, public guardian's office, with the  
15 district attorney and with the sheriff.

16 We now know that in this county, at least,  
17 that may have been a mistake, because we no longer have  
18 a public official who can investigate the sheriff or  
19 other law enforcement officers. The coroner,  
20 historically, was the crown officer. He investigated  
21 the shire reeves of ancient England, particularly  
22 political murders that were associated with the sheriff,  
23 or shire reeve.

24 In California law, we have three different  
25 systems: Elected coroners, appointed coroners, and

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1 sheriff coroners. Of the appointed coroners, some are  
2 simply medical examiners. I believe that this county  
3 would be well advised in the present climate to  
4 reinstitute the separately elected office of coroner,  
5 public administrator, who has the power, among other  
6 things, to combine -- to convene inquest, where he  
7 brings forward out of the jury pool, members of the  
8 public to investigate the specific incidents of death.

9           If we had this kind of system in place right  
10 now, a lot of the questions that we now have would  
11 already have been answered. This proposal would be  
12 revenue neutral. The same number of people who op --  
13 would occupy the same number of desks, but they would be  
14 separated. And we would no longer have to rely on what  
15 now has been seen as a very flawed system, where one --  
16 one law enforcement juris -- jurisdiction investigates  
17 the other. Therefore, I offer this as a proposal. I  
18 hope the Board of Supervisors will consider it. Thank  
19 you very much. My prayers are with the family.

20           MR. RABBITT: Thank you.

21           Linda Mayberry-Chavez. Then after Linda is  
22 Vincent Gonzalez.

23           MS. MAYBERRY-CHAVEZ: I'm feeling a bit  
24 emotional, to tell you quite frankly. I didn't come  
25 here with any prepared remarks. I thank you, each and



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1 every one of you, Mike, Shirley, County Counsel, David  
2 Rabbitt, county administrators, Susan Gorin and Efren  
3 Carrillo, for taking the time to acknowledge this very,  
4 very tragic death of a young man of 13 years old. Could  
5 have been my child. I'm coming here -- I could have  
6 done it by myself in many ways in this community, first  
7 and foremost as a citizen of Sonoma County, and most  
8 importantly, a mother of a nine-year old and a four-year  
9 old who play with toys.

10 Just a week ago I sat as my daughter had a  
11 visit from law enforcement and fire department to her  
12 school, because it was fire prevention month, and  
13 parents have connections, so they came to the preschool.  
14 My children are very privileged, living in Healdsburg.  
15 And the first thing they taught all of the children was  
16 to trust your law enforcement. Trust a firefighter if  
17 you're lost. If you need help, you're not sure what to  
18 do, seek them out. And I'm not here to state a  
19 political stance of that trust should go away, I just  
20 think that I'm hoping with this type of forum and public  
21 comment, that we all look inward and we all dig deep and  
22 we all rolled up our sleeves so that we can impact  
23 change.

24 But for real change to happen, you first a  
25 have to acknowledge that there's a problem. That's

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1 basic cognitive behavior therapy. We need to recognize  
2 that each one of us, as a member of this community, have  
3 an opportunity here to make that change. It doesn't lie  
4 just with the Board of Supervisors or law enforcement,  
5 with the judicious system, with the education --  
6 educators and administration. It's much -- far  
7 reaching. It's a global problem. It's not just a  
8 Sonoma County problem.

9           And my closing remarks are this: As I sat and  
10 read the newspaper on Sunday morning, it struck me very  
11 odd that a gentleman could walk in -- well, not quite a  
12 gentleman, but a person could walk into an LAX airport,  
13 and he was shot four times. Andy was shot seven times.  
14 He was a 13-year old with a toy gun. If evidence is  
15 correct that I've read in the newspaper, it didn't have  
16 the proper markings. And I can see there being some  
17 fear-based actions that took place, but maybe, just  
18 maybe, ten seconds more, the Lopez family would not be  
19 dealing with this tragedy. But I do believe in finding  
20 a positive in every tragedy, and there's a real  
21 opportunity here to let Andy's life and his death be a  
22 guiding light for all of us to make some dramatic  
23 changes.

24           And again, I thank you for calling this forum.  
25 I was so delighted when someone I look up to so much

1 sent me an e-mail and said, "Do whatever you can to be  
2 there today." And just a month and a half ago, I was  
3 here watching a resolution on behalf of Hispanic  
4 heritage month. So I do feel that there has been real  
5 effort to build a bridge to not have that indivisible  
6 divide, that -- that I think sometimes even me, living  
7 in the life that I live, sometimes take a step back and  
8 think oh, my gosh, how far I've come because I was given  
9 opportunity.

10 I so wish that Andy was still here and able  
11 to -- and maybe he's looking down on us right now and  
12 thinking, okay, I didn't die in vain. Something  
13 positive's gonna happen for the greater good. And just  
14 as a mother, please, consider an independent review of  
15 this and a very transparent investigation, because I  
16 think the foundation of change is trust and  
17 acknowledgement that there is a problem.

18 Thank you.

19 MR. RABBITT: Thank you, Linda. Thank you.

20 Vincent Gonzalez. That is the last card that  
21 I have. If you would like to speak, if you can, fill  
22 out a card. We'll take a few more. Thank you.

23 MR. GONZALEZ: Hello. My name is Vincent  
24 Gonzalez. My ancestors were the first law enforcers of  
25 California. We're the ones that taught the Herbst

1 family about being sheriffs. My grandfather runs a  
2 (Spanish inaudible). And I just, myself, wondering,  
3 would the Herbst shoot a young man if they were in that  
4 position, like the officer here in Sonoma County? Would  
5 he actually shoot a young man, the Herbst family? My  
6 grandfather did not teach him the law enforcement that  
7 way. Did the man have -- the boy have his hand on the  
8 trigger? That's another thing, to be shot this way. As  
9 a law enforcement, he has to have good eye vision to  
10 notice things like that.

11 And I've been working here in Sonoma County  
12 for the last 35 years, you know, helping our youth,  
13 indigenous youth here in our county. It's a battle for  
14 them out there. You know, our county wants to brand  
15 them as gang members. And I -- I quit my job for that  
16 reason because I'm not branding my people for -- for  
17 money. It's all about money in this community.  
18 That's -- you know, that's -- I was working here in this  
19 community. And I was told to give names up so we can  
20 brand them and make more money for Sonoma County. You  
21 know, I couldn't do -- I couldn't stab our children in  
22 the back.

23 I'm also a coordinator for California for  
24 peace and dignity journeys, bringing this whole  
25 continent for unity and respect each other. We're

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1 all -- we're all here together. And -- and let's work  
2 with our children. Let's give them prevention and help  
3 them. You know, we're all here together. And my  
4 grandfather, his best friend was the first judge of  
5 California, Judge Benjamin Hayes. And they are equal  
6 people. They are good, hard people. Everybody's equal  
7 here so let's keep that in mind.

8 Thank you.

9 MR. RABBITT: Thank you. And this will be  
10 our -- believe our last -- second to last public  
11 comment. Irene --

12 MS. ROSARIO: Rosario.

13 MR. RABBITT: -- Rosario.

14 MS. ROSARIO: Hi. My name is Irene Rosario.  
15 I know many of you. I live in -- on Moorland Avenue.  
16 I've lived here all my life. I raised two children  
17 there. So what I really want to say is I hope you also  
18 bring community members, not just -- I think it's great  
19 that there's leaders here, but we need people from the  
20 actual community. This is a terrible thing. I walk my  
21 dog there every day. I raised my children there. And  
22 to have a child shot in a place where there should be a  
23 park is really a tragedy. I'm sorry. I didn't think  
24 I'd get emotional. Excuse me.

25 Efren, what I want to say to you is I remember

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1 having you come to our office. We had one of our  
2 members, you all know that I -- Efren, you represent  
3 us -- speak about racial profiling in that area. And  
4 your response was, "They should dress like me."

5 This has been an ongoing issue for years.  
6 Again, I lived in that community for over 25 years. I,  
7 again, raised two children. It could have been my kids.  
8 And it's not all people that are the lower social  
9 economic level or lack education. This is a diverse  
10 community also. You need to make sure you address this,  
11 because these are families that are -- live there. It's  
12 not just numbers or cultures. These are people. These  
13 are people's lives. I would say thank you for having  
14 this forum, but I think it's a responsibility. I  
15 respect you for having this forum, but it's your  
16 responsibility to look out for this community, and I'm  
17 hoping you actually take action and do something. Words  
18 are easy. It's actions that count.

19 Thank you.

20 MR. RABBITT: Thank you. And is it  
21 Ms. Booker? Because I'm -- what's the first name?

22 MS. BOOKER: Ligia, but they call me Li.

23 MR. RABBITT: Thank you.

24 MS. BOOKER: Thank you.

25 MR. RABBITT: If I tried, I would have

1 butchered it, so I appreciate that.

2 MS. BOOKER: My name is Ligia Booker. And I'm  
3 a member of La Luz Bilingual Center in Sonoma. It's an  
4 organization that is ready to join you in any effort  
5 that you would put forth to -- to bring some resolution  
6 to this very, very sad and tragic thing that is  
7 happening in our community. I would like to just --  
8 many, many years ago, La Luz entered into dialogue with  
9 Sheriff Ivy (phonetic). I don't know how long ago that  
10 was. And one of the results was a community policing by  
11 bike. So we had an officer that, I don't remember if he  
12 was there every day or every hour of the day, but he was  
13 there at certain times during the week, and it was  
14 wonderful. This officer created a relationship with the  
15 community. He visited businesses. He went to the  
16 school grounds when the kids were in recess. He --  
17 he -- I think one time I even saw him in church with his  
18 uniform. I think at a quinceanera.

19 Anyway, this created a really wonderful  
20 relationship between the law enforcement and the  
21 community. And it disappeared very quickly because of  
22 funding. So I am suggesting that this would be a great  
23 opportunity to have the law enforcement come into our  
24 community and create relationships, and a trusting  
25 relationship with the people. I -- my heart goes out,

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1 and our hearts go out, to the Lopez family, as they did  
2 to the Mirana (phonetic) family some years ago. And I  
3 hope that this will never happen again because of the  
4 effort that we're going to be making toward bringing a  
5 solution.

6 And I thank you very much for this opportunity  
7 to speak.

8 MR. RABBITT: Great. And I thank you, as  
9 well. And I thank everyone for speaking this morning.  
10 I really do appreciate it. And I know the board  
11 appreciates it as well.

12 I will bring it back to the board, and I will  
13 turn to Supervisor Carrillo.

14 MR. CARRILLO: Thank you, Mr. Chair. I  
15 appreciate the opportunity to -- to continue the  
16 engagement here. I will begin by my -- my initial  
17 comments on some suggestions here by thanking the  
18 members of the community who have taken the time to show  
19 up this morning. I, too, recognize that most of you  
20 have stayed through this discourse and it's -- I don't  
21 want to get negative, but I -- I just love it when  
22 people come here and -- and provide us with suggestions  
23 and then leave once they've said their piece. You know,  
24 I think that we need to continue to work through this  
25 dialogue. You know, it's oftentimes that we're put in



1 positions of leadership, into positions of leading in  
2 the community, and yet that, you know, all of us bear  
3 responsibility on what we want our community to be, how  
4 we want to treat one another, and what it is we want  
5 that long-term quality of life to be for families, for  
6 kids, and for the community as a whole.

7           You know, Supervisor McGuire stated in his  
8 initial comments, you know, this -- this tragedy will  
9 have long-term impacts in our community. The short-term  
10 impacts are evident. I think the long-term impacts we  
11 have yet to -- to begin to see. And we do have some  
12 soul searching to do, not only to understand how  
13 something like this can happen, but to fulfill Andy's  
14 legacy to prevent this from ever occurring again. You  
15 know, it is imperative that this investigation be  
16 thorough, transparent and open. I have spent just about  
17 every day in the last couple of weeks in some fashion or  
18 other, whether it's through a vigil, whether it's  
19 through a community march, or -- or some type of  
20 gathering, specifically in the southwest community there  
21 in person.

22           While we do not have, or we did not have, many  
23 residents, particularly of the Moorland, Bellevue,  
24 Hearn, Roseland, southwest community in the audience  
25 today, I can guarantee you that they are speaking, that

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1 they are engaged, they are involved, they are talking  
2 among neighbors, they are talking among themselves, and  
3 they are expanding their -- their breadth of scope and  
4 their network. This is not just an issue that's  
5 affected one community, it's affected our entire county.  
6 And I think on one end, it's -- it's ripped us apart,  
7 and on the other end, it's united us. You know, death  
8 is what's shared at the service that was offered at the  
9 resurrection parish for the family. It unites family,  
10 it unites community. And we're seeing that in this  
11 tragedy incident.

12 I am hopeful that in the long run, the  
13 community conversations that have already begun around  
14 this tragedy will restore those relationships. And not  
15 just the relationships between law enforcement officials  
16 and the community, it's the relationships between law  
17 enforcement officials and the entire community. And  
18 it's not just law enforcement officials. It's a  
19 relationship between all officials, local, state,  
20 federal. Whether it's our school officials, our city  
21 officials, or our county officials, that this trust be  
22 reengaged and reformed. Because I guarantee you, what  
23 I'm hearing from just about every individual resident  
24 within this community, that that trust is strained.

25 The community does expect meaningful action.

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1 That was made loud and clear this morning, and it's been  
2 made loud and clear over the last two weeks. To  
3 Mr. Medina's comments around words and actions, Omar,  
4 you're absolutely right, that we can sit here and talk  
5 about this tragedy, or talk about the past and talk  
6 about the history and talk about what we intend to do,  
7 and unless we actually get together and unite and see  
8 some action, we're not doing the communities justice in  
9 just talking about it, but actually working together.  
10 And Omar, I appreciate you, and all others who have come  
11 here, who have offered to be part of that conversation  
12 and bear that responsibility, because the community as a  
13 whole bears that responsibility.

14 Mr. Chair, if I can possibly move into the  
15 suggestions that we have -- that have been -- that had  
16 been suggested. And I'd like to start with the -- the  
17 healing construct. And I will say thank you first and  
18 foremost to the Santa Rosa School District  
19 Superintendent Socorro Shiels, her board, the principals  
20 both at Elsie Allen High School and Cook Middle School,  
21 and the principals at Bellevue and at some of the other  
22 schools in the area. They stepped up to the plate to  
23 respond to the grief that was experienced by those  
24 students. And there is continued grief experienced by  
25 those students, and an anger, not only by the students,

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1 but by the parents and their family members.

2 And I do believe that we need to do what we  
3 can to continue to offer that grief counseling, to  
4 continue to offer the support sessions and the focus  
5 groups. We had numerous partners here within our  
6 community that were already doing some of the work, and  
7 they've already established those relationships. SAY,  
8 Boys & Girls Club, CYO, the after school programs, the  
9 city's gang prevention task force and their Measure O  
10 and working with these programs. I do believe the  
11 community healing needs to be part of this conversation.

12 Regarding investments, and these are  
13 investments that are not just to infrastructure. I  
14 can -- I can tell that you it was the -- not that long  
15 ago, about a year ago, going door to door, there was one  
16 residence specifically on the corner there in Moorland  
17 who mentioned the property there at the end of this  
18 subdivision. And as we began to look at that property,  
19 it is my understanding that historically that was always  
20 slated to be a park as part of that development that  
21 took place on Moorland Avenue. In conversations, when  
22 this Board of Supervisors approved this project back in  
23 the nineties, this development was reduced to the size  
24 and level of density, and as part of the decision that  
25 the Board of Supervisors made back then in the mid

1   nineties, the park was taken out subsequently from the  
2   overall approval of that project.

3           Now, there are other issues that have been  
4   presented in that context over the last two or three  
5   decades specific to the interaction between the County  
6   of Sonoma and the City of Santa Rosa. There is  
7   confusion in certain parts of our community about who to  
8   go to for questions, for answers, for response. And at  
9   some point, I do hope that this brings to light a larger  
10   discussion around issues of -- of governance, of local  
11   governance, of annexation. We have talked about the --  
12   Supervisor Zane, you mentioned the Roseland Joint  
13   Subcommittee that we've both been a part of for the last  
14   five years, and yet we haven't been able to get beyond  
15   prioritizing. The city's prioritizing as part of their  
16   two-year plan. This January, we prioritize it this  
17   January as part of our one-year plan. And it is my hope  
18   that we will be able to elevate that priority so that  
19   the community recognizes that there is an intent and a  
20   direct desire to invest, or at least looking at,  
21   governance.

22           It is my hope that we will, in partnership  
23   with the community, and I hope that the community will  
24   drive this effort, will look at a park or will look at  
25   a -- a site specifically where Andy -- where Andy left

1 us, where Andy died. Because it's been a long-term  
2 vision in that community to have a central place of  
3 gathering, a central place for families, for kids to  
4 enjoy themselves. I'm hopeful that this will be part of  
5 that conversation as well. But that the community will  
6 help in driving that. You know, oftentimes we make  
7 decisions at this -- at this level and do forget to go  
8 door to door, and do forget to engage the local  
9 community to ensure that we have done what we need to do  
10 to represent their best interest.

11           Regarding the reviews and the independent  
12 reviews, Mr. Chair, I appreciate you mentioning or  
13 saying at the beginning of your remarks this morning  
14 that everything is on the table. And I do believe that  
15 we need to include this as part of the conversation.  
16 Now, I was not around, and I think no one here was  
17 around in those conversations, when they were discussed  
18 in the nineties, and in -- I believe in the early or mid  
19 2000s. But I do believe that we have to have that  
20 conversation about civilian review boards. There is a  
21 trust issue in the community, not only to law  
22 enforcement officials, but I think to officials across  
23 the board. This includes councils, this includes the  
24 board, it includes other officials. I had my -- my  
25 office do a little bit of research on the models of

1 these review boards. And primarily they come in four  
2 different types. There are citizen review boards that  
3 are described as class one. There are police review  
4 slash citizen oversight review boards that are described  
5 as class two. Police review slash citizen police appeal  
6 boards that are described as class three. And an  
7 independent citizen auditor described as class four.

8 My hope is that we will not jump to  
9 conclusions to decide what we think is best today for  
10 this community, and that we will engage the community  
11 members as well as our representatives in law  
12 enforcement to ensure that we have the best practice  
13 here for Sonoma County. We've read, or we've heard,  
14 about the Berkeley model, which I believe was the first  
15 adopted police review commission that was done by voter  
16 initiative in 1973. There are other examples,  
17 Minneapolis has a civilian police review authority, also  
18 a class one. Portland, Oregon, the police internal  
19 investigations auditing committee, that's a class two.  
20 It was commented by somebody here that the city of Los  
21 Angeles implemented as well a police commission, which  
22 is a class three. And this was in reaction to the riots  
23 that occurred, that took place in the early 1990s.

24 But I think that when we look at the  
25 independent review construct, my hope is that when we

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1 look at that, it will be to reach some fundamental core  
2 subjects, developing better relationships. The  
3 relationships are strained. Creating credible  
4 oversight. Community that I speak to, the southwest and  
5 west Santa Rosa, and members of the Latino community, do  
6 not believe that we have credible oversight at this  
7 moment. And we've heard about effective police training  
8 and community policing. I -- I do believe that we have  
9 to create a framework, that it's not just our law  
10 enforcement officials that can go door to door and  
11 better understand and better know the communities, but  
12 it's ourselves. It's our other officials throughout.  
13 There are arguments for and against civilian review  
14 boards. There are pros and there are cons. But I think  
15 this board should do, or should respond, in the most  
16 honest way possible -- possible to the community's  
17 request, what we heard from the MEChA students at the  
18 junior college and others, to ensure that we have this  
19 part of the conversation. I don't know what that will  
20 look like, and I don't know what the best model will be  
21 for this county, but I do hope that they will foster  
22 greater police and community relationships as well as  
23 open the dialogue that benefits all the stakeholders.  
24 This not only includes law enforcement, Latino  
25 community, but includes the entire community, as well as



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1 all officials throughout the county.

2 Mr. Chair, regarding the -- what we've heard  
3 around investments and services and breaking this divide  
4 that we're seeing around the haves and have nots, this  
5 board has grappled and struggled with that conversation  
6 for decades. And it wasn't until 2006, 2007 and '8,  
7 when this board began to look at the shifting divide  
8 between, you know, the dollars expended specifically in  
9 public safety and law enforcement, but the nexus between  
10 the -- the early investments that we may have forgot, or  
11 may have been forgotten, and needing to pay at the -- at  
12 the end of the cycle.

13 This is not just response to one community  
14 that has been disenfranchised. It has felt  
15 disenfranchised. It has felt disconnected and  
16 disregarded. This is not the only community that exists  
17 in that fashion in this county. You don't have to look  
18 very far. You have look at the community of West Steele  
19 Lane and Apple Valley, you see some of the same  
20 symptoms. You go across the highway at South Park in  
21 southeast Santa Rosa. You expand out through the county  
22 and you look at the communities of the springs of Sonoma  
23 Valley. You look at communities in Petaluma and Cotati.  
24 And this dialogue and this debate goes beyond the  
25 fundamental core of what make a community healthy. It's

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1 jobs. It's closing the income disparity. It's access  
2 to health. It's after-school programs. It's good  
3 schools. It's having diversity in our schools and our  
4 communities. It's ensuring that when something is not  
5 going right, that we address it immediately.

6 I hope that we will come back in some fashion  
7 to -- to -- and whether it's 30 days or 60 days, that  
8 can be up for -- for the board discussion. Or we can  
9 begin to prioritize how we make these strategic  
10 investments. We began -- we've begun those  
11 conversations, both in our strategic planning. We've  
12 done it with the upstream investment discussion around  
13 investing early, investing often, and -- and doing  
14 collectively, finding that collective impact. But we've  
15 also done that with Health Action. You know, when we  
16 strive to be the healthiest county by 2020, incidents  
17 like these and the fundamental core do not get us closer  
18 to that goal of being the healthiest county by 2020.

19 I do believe that we have to look at  
20 legislation. And Mr. Chair, I know you've -- you've  
21 been discussing this item more so as well regarding  
22 replica toy guns. You know, the gun culture is another  
23 aspect of the conversation that -- that needs to be  
24 discussed. There was an incident in Southern  
25 California, Los Angeles County, that we've read about

1 here locally, where a similar incident occurred. There  
2 was legislation offered by Senator de León that had to  
3 be diminished to where it wouldn't impact the entire  
4 State of California, but only impact Los Angeles County.  
5 It's my understanding he is revisiting or relooking at  
6 the construct of looking at legislation at the state  
7 level to ensure that we understand that these guns do  
8 look real, these guns are out there, whether it's the  
9 replica toy guns. And I'm not going to be one to begin  
10 to cast judgment on what took place that day, but that  
11 we have to have -- we need to seek other methods and  
12 provide better education and awareness about this  
13 culture in our community.

14 So Mr. Chair, I have a lot of other, you know,  
15 ideas and suggestions, but it is my intent to go out  
16 into the community, again, and to use this tragic event  
17 and this gift that Andy has left the community to come  
18 together and address not only this tragedy incident, but  
19 to address other symptomatic issues that are very real  
20 in this county. On one end, we are a very wealthy  
21 county with immense resources, incredible natural  
22 environments, and on the other end, we're a county that  
23 experiences poverty and homelessness and folks that are  
24 disenfranchised. It is our responsibility to ensure  
25 that we're working together and we're united on that

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1 front.

2           And I think, Mr. Chair, what you're hearing,  
3 what I'm hearing from this board, is that there's an  
4 honest commitment -- an honest commitment to work with  
5 the community, to allow us to have them help us drive  
6 this dialogue and this discussion. If we do not engage  
7 and get the buy in from the members of the community, I  
8 think we're not going to be successful. We can sit  
9 here, and we can craft policies, we can invest, but we  
10 need the engagement of the entire community to be part  
11 and parcel of that discussion. So I look forward to  
12 that, Mr. Chair. I -- I want to hear from the rest of  
13 the board. But I -- I'm willing and -- and -- and --  
14 and ready to take part not only in the discussion and  
15 the dialogue that is necessary, but to begin seeing some  
16 meaningful actions where we can begin to shift a tide to  
17 prevent this incident from ever occurring again, but to  
18 give the community a sense that we actually care.

19           Thank you.

20           MR. RABBITT: Thank you. Thank you for all  
21 your work, as well.

22           Supervisor Gorin.

23           MS. GORIN: Thank you. I want to thank  
24 everybody who has stayed with us during the past couple  
25 of hours. I recognize that the Board of Supervisors

1 holds these discussions during the day when few people,  
2 few working people, can actually attend. So I'm  
3 delighted that you are here, and I appreciate the time  
4 that previous speakers took off of their jobs to be  
5 here -- with us here today to offer their heartfelt  
6 support for the Lopez family and their suggestions in  
7 moving forward. And in that vein, I want to offer my  
8 suggestions, as well.

9 I want to sort of take off where Supervisor  
10 Carrillo left off. And that is talking about our  
11 culture. Sadly, we live -- we still live in the Wild  
12 West where we glorify guns. We -- we have a very  
13 powerful lobby targeting and defeating elected leaders  
14 for sensible gun control legislation, both at the state  
15 level and national level. And -- and they are very  
16 effective. And with every newspaper I pick up, every  
17 news program I listen in on, I hear of yet another  
18 instance of, sadly, too often, a disaffected, a male  
19 member of our community, picking up guns, shooting in a  
20 shopping mall, shooting at the airport, Columbine High  
21 School, at Sandy Hook Elementary School, at the naval  
22 shipyard, and incidents of domestic violence almost  
23 hourly where we have members of -- of families and  
24 extended families are murdered with -- often with hand  
25 guns. It is time to raise our voices and say enough.

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1 Enough in Sonoma County, enough in California, and  
2 enough in the United States. We -- we allow our  
3 children to play violent video games and play with  
4 replica guns. Does that make us bad parents? No. It's  
5 because what -- these are what -- the things that kids  
6 and their peers want to do. But at some point, we as  
7 parents and community members need to say enough.

8           So I -- I suggest that we redouble our effort  
9 to support sensible gun control legislation at the -- at  
10 the state and national levels, and as super Supervisor  
11 Carrillo said, support the ban, introduce, work with our  
12 legislators to reintroduce the ban on the manufacture of  
13 replica and realistic toys. Do I think that that's  
14 going to cause or make a difference next week? No.  
15 It's going to be a long haul. But what we can do, and I  
16 know that gun buyback programs are expensive and often  
17 inefficient, and not necessarily the program of choice  
18 of law enforcement, because it doesn't solve the issue  
19 of guns on our streets, but let's figure out how we can  
20 find the resources to do it. As the NRA says, guns  
21 don't kill people, people kill people. But if guns are  
22 in the home, people will use the guns all too often.

23           Furtherer, let's talk about, as my good friend  
24 Adrienne Swenson did, a replacement program for turning  
25 in toy and replica guns and exchange them for nonviolent

1 toys. I can remember Toys "R" Us participated in that  
2 over a decade ago. Perhaps it's time to reintroduce  
3 that program. If all else fails, I encourage our  
4 community members and parents to take a paint brush,  
5 paint those toy guns, so that law enforcement officials  
6 can immediately tell whether it's a toy gun, a replica  
7 gun or a real weapon. We do have dangers in our world  
8 and in our nation, and sadly, law enforcement are forced  
9 to make snap decisions based upon their -- their --  
10 their quick identification.

11 Like many of you in the -- in the audience, I  
12 think it's time -- although, I have faith in -- in the  
13 investigations that have been conducted previously, I'm  
14 reminded of Curtis (sic) Byrd's recitation of -- of our  
15 sad history in Sonoma County, and our previous  
16 investigations and recommendations for recruiting and  
17 maintain -- retaining officers who are minority  
18 officers, especially people who might relate to the  
19 changing demographics in our community, and add my voice  
20 to those of my colleagues and community members asking  
21 for an exploration of civilian review board of  
22 officer-involved shootings. And I understand the  
23 reasons why we have not done that previously, but it's  
24 clear to me that our community does not trust the  
25 investigations going forward. And we need to make sure

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1 that we have a speedy, clear, transparent investigation  
2 in the shooting death of Andy Lopez.

3 But I don't think that alone will bring solace  
4 to the community or the Lopez family. I'd like to add  
5 my voice to those in the audience that really talk about  
6 let's find the resources for lapel cameras on our law  
7 enforcement officials. The anecdotal evidence in our  
8 community seems to suggest it might make a difference in  
9 our community. At the very least, it will help explain  
10 some of the incidents that we have, and hopefully avoid  
11 in the future. Training for our law enforcement  
12 officials to find other alternatives, other than lethal  
13 responses to these kinds of incidents.

14 When Jeremiah Chass was killed, a mentally ill  
15 young man, we created a mobile response team of mental  
16 health officials going out to these kinds of incidents.  
17 Perhaps we can have a similar kind of response to  
18 diffuse some of the tension and concerns, especially  
19 when we have youth involved. Ten seconds is too soon  
20 for me. It just boggles my mind how we couldn't have  
21 stepped back, called in other officers to respond,  
22 allowed some time, and only responded when -- when  
23 lethal force was necessary in this instance and in other  
24 instances.

25 Community oriented policing, I'd like to



1 engage in that conversation to find out if that's really  
2 going to make a difference. We know from Santa Rosa's  
3 experience that it often does. We have cops on bikes,  
4 and have the opportunity to go out there in the  
5 neighborhoods. School resource officers engage and get  
6 to know the community. Create opportunities for law  
7 enforcement to be a part of the community and to build  
8 that trust that's necessary. Let's explore all kinds of  
9 different programs. And I look forward to the  
10 suggestions of community and law enforcement to make  
11 that happen. Programs for our youth. Santa Rosa  
12 residents recognized early on how important it was to  
13 tax themselves quarter-cent sales tax to pay for  
14 enhanced police, fire and gang prevention and  
15 intervention task force. It -- it -- not without  
16 controversy. And they continued to look at statistics  
17 and to make the best decisions in financing the  
18 programs. But those are the programs that started a  
19 rapid response immediately after this incident occurred.

20 And as Supervisor Carrillo said, Santa Rosa,  
21 Southwest Santa Rosa, is not the only community in  
22 distress. He pointed out that we have other communities  
23 around the county that have the same trust, mistrust,  
24 distrust of law enforcement and lack of -- lack of  
25 collaborative -- collaboration and a frustration in our

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1 inability to finance programs for our youth. And I know  
2 that Juan Hernandez of La Luz, Bret Sackett of the  
3 Sonoma County Police Sheriff's Department, and the Boys  
4 & Girls Club have been exploring these mechanisms, but  
5 they don't have a financing mechanism. And so maybe  
6 it's time to think about a county-wide financing  
7 mechanism to export and duplicate some of the successful  
8 models around the county.

9 Social justice. We've talked a lot about  
10 social justice. And my voice was joined in with  
11 Supervisor Zane and Carrillo in exploring annexation in  
12 Roseland, and met with frustration, like them, in the  
13 disconnect between the cost of the services in order to  
14 transfer that and unite the Roseland area. We cannot  
15 let that stop us now. We have to move forward with all  
16 due speed and complete the annexation so that we have a  
17 united community in Southwest Santa Rosa. And I will  
18 add my voice to support for the resources necessary at  
19 the county level and encourage my colleagues at the city  
20 council level to make that happen. But again, this is  
21 not just a Roseland and Southwest Santa Rosa issue.  
22 This is an issue, the lack of resources, the lack of  
23 programs, the lack of infrastructure all over the  
24 county. And I know that we're going to be talking about  
25 roads and potentially sidewalks, safe routes to schools.

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1 I just participated in a walking audit of El Dorado  
2 school yesterday. So this -- this is really important  
3 to make sure that all of our students are safe and have  
4 the programs that they need to be engaged and not  
5 creating them -- the -- creating challenges for them and  
6 the community, that we can keep them united and focused  
7 on how to lead productive lives and be successful  
8 students.

9 So I want to conclude by suggesting -- I'm  
10 going to be a part of the community forums. And it's  
11 not just talking. We together, along with our city  
12 councils and our community organizations, need to find  
13 that -- the resources necessary to unite our community,  
14 heal the grief, make lasting changes and to move  
15 forward. And it's my hope that these lasting changes  
16 will provide some solace to the Lopez family as they  
17 continue to mourn and -- and feel their grief and anger.  
18 And I appreciate you all being here to join in that  
19 conversation. But it's not just a conversation for  
20 Santa Rosa, it is conversation in every community in the  
21 county.

22 Thank you.

23 MR. RABBITT: Thank you.

24 Supervisor Zane.

25 MS. ZANE: Thank you.

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1           You know, a lot of people know that the  
2 Chinese character for crisis is danger and opportunity.  
3 The danger, you know, has been real, and we have been  
4 very fearful that the anger, justifiable anger, would  
5 create violent outbursts. And that hasn't happened.  
6 And -- but I feel that the real danger here is for us to  
7 not act in a timely way. And that is what really  
8 concerns me. I think that now is the time to act. The  
9 process of grief is long and it's complex, but it is  
10 that grief that has sown the seeds that gives us now the  
11 ability to act. And the opportunities, as Supervisor  
12 Carrillo said, are rich here. They are rich on so many  
13 levels. But I want to act. I think the community, the  
14 people who have elected us, expect us to act. I -- I  
15 initiated the mobile crisis unit after the Jeremiah  
16 Chass case, and he -- he was killed. And it took three  
17 and a half years to implement. And as somebody who came  
18 from the private sector and knew how to get things done  
19 quickly, I found it incredibly frustrating to be in  
20 government and to find that things move so slowly.

21           We need to act. People expect us to. And I  
22 am going to propose an action today, if my colleagues  
23 agree on it, and -- and -- and yes, you know, we need  
24 some policies. Yes, it's going to take money. That --  
25 we have to prioritize and say these opportunities are

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1 rich, we're willing to put money down to make the  
2 changes that we need. I -- I do appreciate the one man  
3 who came up and said -- I believe it was Alfredo  
4 Sanchez, who has ten kids, that we can't and we  
5 shouldn't harness anyone's anger. I think we have to  
6 assist and support the power of anger to create positive  
7 change. That's our job.

8 We've heard about talking about training for  
9 law enforcement in terms of psychological support, in  
10 terms of diversity, sensitivity training in terms of  
11 cameras. Those are all good recommendations. But we  
12 also have to rebuild that trust in the community in  
13 terms of law enforcement. We want to rebuild that  
14 trust. And so I am going to go back to my first  
15 recommendation and say that I'm going to recommend that  
16 we put a blue ribbon panel in place immediately, that we  
17 each -- from each district office, that we appoint three  
18 people to that panel, that we have a very short  
19 turnaround, that we adequately staff that panel, that  
20 blue ribbon panel, and that their mission would be to  
21 come back with recommendations. As Supervisor  
22 Carrillo's office already researched, there are  
23 different models out there of civilian review  
24 committees. So we want them to research, what are the  
25 best practices? What are the civilian review committees

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1 that actually have been effective in their communities  
2 and work.

3 But I think they should also look at more. I  
4 think they should look at protocols for training for law  
5 enforcement. In terms of to use less force, in terms of  
6 diversity training, and in terms of community policing.  
7 And I don't like the word community policing, but what  
8 we're talking about is essentially getting people out of  
9 their cars and into the neighborhoods and getting to  
10 know the people who live there. And I think that  
11 obviously has to happen if we're going to reduce force.

12 You know -- and I'm going to say something a  
13 little radical here, but we have put millions and  
14 billions of dollars into this war on terrorism since  
15 9/11 and -- in terms of our law enforcement. And I  
16 believe it, in many ways, it has turned inward, back to  
17 our own people, and that's wrong. We have to have law  
18 enforcement that is there to protect. We have to change  
19 the way that we do things. We live in such a fearful  
20 culture. It immobilizes us to take action, to be  
21 leaders, to make change. We have to address that fear.  
22 I'm tired of living in a fearful culture. I think we  
23 all are.

24 We need to make those investments and  
25 promoting communication and peace and trust, to really

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1 empower our law enforcement to be peace keepers, because  
2 that's what they want from them. That's what we expect  
3 from them. So again, I'm going to go back to my  
4 recommendation, a blue ribbon panel, that we each  
5 appoint three people on that panel, that it would be a  
6 speedy turnaround, and that we adequately staff them.  
7 And I'd like somebody from the Department of Health  
8 Services also, Rita, and I'm seeing you back there, and  
9 you and I have talked about this, that the Department of  
10 Health Services, the Public Health Services, should be  
11 the forefront in discussing how we reduce violence in  
12 our community. I want -- I would like to recommend that  
13 we have staffing for the County Administrator's Office,  
14 from the Human Services Office and from the Department  
15 of Health Services.

16 Thank you.

17 MR. RABBITT: Thank you.

18 Supervisor McGuire.

19 MR. MCGUIRE: Thank you, Mr. Chairman.

20 I think all of us are grateful that you have  
21 taken time to be here today. You know that we are just  
22 in the beginning of this conversation. And this has  
23 been a conversation that I know that I have -- it's been  
24 a conversation -- conversation like no other. And  
25 emotions are raw. As we heard from Linda, and how

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1 eloquent she stated it has hit her, it has hit many of  
2 us. And I know that again, the real work and the most  
3 difficult conversations are still ahead. And we know  
4 that silence has no place in this process and that all  
5 voices need to be at the table. And as I stated  
6 earlier, I think the long-term answers won't come from  
7 the five of us. The solutions are going to rise up from  
8 the community, and rise up from those families that are  
9 living in Moorland.

10 And as Supervisor Carrillo had stated from Mr.  
11 Medina, he's absolutely correct. It's not what we say  
12 today, but it's what we do tomorrow and in the weeks  
13 ahead. And we are all acknowledging that our -- there  
14 are disparities in our communities, in our schools,  
15 frankly, from political participation. Now we need to  
16 turn those promises that we've made to each other today  
17 and have been talked about over the last two weeks into  
18 action and focus on how we are investing our resources  
19 to insure an intense tragedy that we have seen like this  
20 does not happen again.

21 And I've been, I think as all of us have, been  
22 keeping track of what folks have been saying today. And  
23 I support putting together, whether it's a blue ribbon  
24 panel, task force, three representatives, I think that  
25 absolutely makes sense. And there are several subjects



1 that I would like to be able to make sure is on that  
2 agenda for this group, if it is -- the board's willing.  
3 I've heard town hall meetings throughout this county  
4 that would be bicultural. Focusing on appointments in  
5 advisory commissions. We have heard many, including  
6 Supervisor Carrillo, talk about the establishment of a  
7 park in the neighborhood. We need to be able, as  
8 Mr. Harper had said, engage Moorland residents, and  
9 residents in other communities, that are feeling  
10 disenfranchised. Absolutely need to be able to move  
11 forward in support of legislation of replica guns.  
12 Absolutely ridiculous that we continue to have that.

13 We've heard folks bring forward police  
14 training. We've had a lot of discussion about civilian  
15 review panels. Cameras that would be on lapels. I know  
16 the sheriff actually has started moving forward with  
17 that already in how we can potentially broaden that  
18 scope. I've heard discussions about annual report to  
19 the community. I've heard about separating the  
20 coroner's office and the sheriff's office. We've had  
21 discussions about community policing today, educational  
22 programming in neighborhoods.

23 And I think there are going to be others. And  
24 I don't think we just should limit ourselves to this  
25 list that had been discussed today, because I think

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1 there is -- will be a robust conversation outside of  
2 these four walls, frankly, that needs to take place in  
3 the weeks and months ahead. But as we've talked about,  
4 I think there are very few times in history that we have  
5 the ability to make real change. And I do think that it  
6 is our time now. And -- sorry. We do have to look at  
7 ourselves in the mirror and figure out what type of  
8 county we want to live in and the neighborhoods we want  
9 to raise our kids in. And I do think that we need a  
10 time certain of where it comes back to us. I apologize.  
11 So if it's 30, 60 days that this group that we assemble  
12 comes back, I think that is absolutely appropriate. And  
13 having that conversation of resources and what that's  
14 going to mean here to be able to help.

15 Thank you.

16 MR. RABBITT: Thank you. I want to thank -- I  
17 want to thank the audience. I want to thank everyone  
18 for being here today. I want to thank everyone for  
19 speaking. I want to thank everyone -- those invited  
20 guests, starting with the Bishop, and everyone else who  
21 stood up and really participated today as a way to ask  
22 that question about what kind of community do we want to  
23 be and what do we do going forward. I was remiss  
24 earlier. I want to thank our staff for this last couple  
25 weeks who have handled all sorts of different things

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1 going on, through the County Administrator's Office,  
2 Chris Thomas, I mean up and down the line, County  
3 Counsel. People have put in long hours dealing with all  
4 sorts of things.

5           And I wanted to -- I also want to say in terms  
6 of, again, the community reaction, I think it's also  
7 that -- we should all remember, you know, especially  
8 here at the county, to be more prepared. You'll never  
9 be criticized for being more prepared, but you will be  
10 for being less. We didn't know it was going to happen,  
11 especially not last Tuesday. Again, I'm proud of the  
12 way it turned out, but there is reason to believe it was  
13 going to go in a different direction. I give total  
14 credit to those community organizations that kept it  
15 going in that way, and for the kids and the marchers and  
16 everyone else from our community who really understood  
17 why they were marching and what it was all about. So I  
18 just want to make sure that we put that out there and  
19 say thank you to everyone, and thank you for the  
20 preparations.

21           Thank God, you know, the things that we  
22 prepared for, the scenarios that were thought of, never  
23 came to fruition. But I think it's the responsibility  
24 to be prepared for those kind of things. So I just want  
25 to say thank you. I also want to thank the board.

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1 Certainly been just a tremendous couple of weeks in  
2 terms of anguish and heartbreak. And I know that every  
3 day we were together at different events, I know that  
4 all of you have reached out to community members. I  
5 know that all of you spoke from the heart, and I know  
6 that all of you were sincere, and are as sincere today,  
7 trying to move forward in a true way. And it is about  
8 what we do, not what we say, but it is sometimes  
9 important to say the right things as well. And I think  
10 you said the right thing because you feel that in your  
11 heart. And I do thank all of you and very much  
12 appreciate that going forward.

13 And it was mentioned earlier that, you know,  
14 this is a tragedy that, you know, should -- should have  
15 long-term impacts, will have long-term impacts. It  
16 really must have long-term impacts or -- or it -- it's  
17 fruitless. So really going forward, I think we really  
18 do need to, you know, our county on the -- on our  
19 metrics, on our data, on this -- you know, upstream  
20 investments, we really have these criterias. We need to  
21 challenge ourselves to have some criteria going forward  
22 that we can really measure success with, so it's not  
23 just words, it's not just kind of saying we're going to  
24 do this, we're not going to do that, oh, we did it, it's  
25 working. We want to make sure it does work. We want to

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1 make sure that we can measure our success going forward.

2 I also think as a -- as a caring and  
3 compassionate community, we need to think about everyone  
4 involved in this tragedy, and that includes the two  
5 patrol officers, the two deputies, on Moorland Avenue  
6 that day. And I guarantee that -- I don't think any one  
7 of us -- any one of us believes that they woke up that  
8 morning thinking they were going to be put in that  
9 situation, or went to bed that evening easily. I mean,  
10 it's a tragedy all the way around, and I think we all  
11 acknowledge that.

12 I think also in terms of -- and I'm totally --  
13 everything is on the table, and as we go forward, we  
14 really, truly need to have that attitude. The protocol  
15 that is in place with the investigation, and there's  
16 been -- and, shoot, I've said it as well: I want  
17 transparency in the investigation. But at the same  
18 time, I sit back and I say I don't really know what that  
19 really means. I don't know how you have a transparent  
20 investigation. Investigations are inherently conducted  
21 through a due process situation. And invest -- you  
22 know, materials gathered. If it's a matter of releasing  
23 that information, having oversight on that information,  
24 I think we as a community need to sit down and really  
25 find out what -- what -- what do we -- how do we define

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1 what transparency is. How we create that -- that trust  
2 going forward.

3 And I appreciate very much both the suggestion  
4 on the -- the panel, or the task force going forward.  
5 And also the different scenarios that are out there.  
6 Because I know that a citizens review board, an advisory  
7 body, there's a wide range of -- of mechanisms from  
8 full, you know -- just a full body of -- with subpoena  
9 power down to something more advisory, as was laid out  
10 by Supervisor Carrillo. And I sit here -- and, again, I  
11 think it's time for action, but I think it's also time  
12 to pick the right course and understand fully what it  
13 means and how it works best in our community, and make  
14 sure everyone is on the same page going forward.

15 And, you know, I want to know for sure that  
16 that path we pick is a path that will get us to where we  
17 need to be. So I look forward to that, and I look  
18 forward to learning more about that. I think we all  
19 knew the pieces around the edges, but to really get into  
20 the nitty-gritty, and understand how, who, what, where,  
21 when, why, and how that occurs and how it matches with  
22 what we're already doing, which I -- even that, I mean,  
23 you know, I think we're all learned people, but didn't  
24 know exactly that our county does do something above and  
25 beyond the norm.

1           And I know that there's a written -- there's a  
2 trust issue. But the protocol that was, I think, what,  
3 '93, and it was revised and refined up to eight times  
4 now, is unique in counties in that you give that  
5 investigation to another party. And I understand the  
6 relationship -- those parties do have relationships,  
7 those entities as jurisdictions. And we're not as large  
8 of a county that we have multiple folks to hand that off  
9 to. But again, as has been mentioned in the past, if it  
10 was L.A. County, it would be an internal investigation  
11 and really no other. So we're one step ahead. I think  
12 that, again, I understand we need to get to that next  
13 step. I don't know what that is but I look forward to  
14 that discussion going forward.

15           I also remember maybe six months ago sitting  
16 up here with Congressman Mike Thompson. And I think  
17 there was about 350 people here that night. It was  
18 packed. Talking about the gun control and gun violence,  
19 and that was certainly after the Sandy Hook situation,  
20 incident, tragedy. You know, and I was also thinking  
21 about since then, and as was mentioned two weeks ago,  
22 Tuesday, we unanimously passed, as Supervisor Gorin  
23 said, the resolution on that, probably a little bit  
24 belatedly. But, you know, we -- we were on record on  
25 that as supporting Congressman Thompson's efforts to

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1 pull that through the congress.

2 And at the same time, it seems like every day,  
3 of late at least, you read -- you pick up the paper and  
4 you see some other gun-crazed person. There was a  
5 shopping center apparently yesterday in New Jersey. It  
6 was LAX just a few days ago. It was -- you know, it's  
7 not just the Sandy Hooks and the major just hor --  
8 horrific things. It's -- guns in our culture are so  
9 prevalent. You know, and I know that here we are  
10 speaking in a relatively small county, and this one  
11 state of 50, but it's something that we really need to  
12 look inward on as a community and as a society, I think.

13 And to that end, also, as it's been mentioned,  
14 the legislative advocacy to make sure that replica  
15 guns -- and sometimes, yeah, it's a toy, but if you --  
16 you know, it looks pretty real. And I think we really  
17 need to -- to move forward with really strong, strong  
18 language to make sure that that, you know, it's --  
19 federal law says that you have to have that one inch,  
20 you know, orange plastic cap on the end, on the tip.  
21 It's removable, it's too easily disguised, and kids do  
22 it. I've told some people this: My son, who's now  
23 close to 20, has an Airsoft gun. He has the little  
24 translucent -- or the transparent pistol thing with the  
25 orange tip on it. But he has friends who took the tip



1 off. He had friends who painted the gun black because  
2 they didn't want it -- the glint in the sun when they're  
3 out in the hills playing games. And one of those -- one  
4 of those boys is a premed student at Berkeley. So I  
5 mean, it's people, you know, who you'd think would know  
6 better.

7 But it's incumbent upon all of us to really  
8 make sure that everyone understands that. It's also  
9 incumbent upon us as citizens to make sure that the  
10 manufacturers, the add -- the retailers, the  
11 advertisers, that we really fight back on that. There's  
12 no need to have such authentic-looking replica weapons.  
13 You know, kids, boys especially, you know, people -- I  
14 was, as a parent, would chuckle. "We don't give our son  
15 guns." And I remember having a child at our house,  
16 well, they don't give him guns, but he picks up every  
17 stick and runs around and makes the noise to shoot  
18 everyone. It's just seemingly what boys do.

19 But I think we really need to get serious  
20 about those things, and we really need to call people  
21 out on the carpet. The fact that, I think, Senator de  
22 León's bill stalled in a committee. You know, some  
23 special interest group got to him -- got to the folks up  
24 in Sacramento and, you know, there's no movement on  
25 that. Hopefully in this case, with -- with this tragedy

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1 we can get some movement to really make a difference  
2 there. Again, I think that everything that has been  
3 said from this dias and from that podium today is up for  
4 a longer discussion going forward.

5 I very much appreciate Supervisor Zane's  
6 suggestion or -- or to move forward with a -- a panel, a  
7 task force. I don't know what that -- if it's three  
8 people from each district, that's fine. It seems like  
9 it should be somewhere between ten and 20 people to keep  
10 it manageable but to be inclusive enough. I think that  
11 I would recommend that we look for some staff to put  
12 together some sort of model to go to make sure that that  
13 was inclusive, that we did have folks that were going to  
14 represent the entire community that can -- and I  
15 appreciate very much Supervisor McGuire making sure that  
16 those recommends going forward out of that committee and  
17 back to us, in that two-way street, are brought and  
18 cover all aspects, and -- and really do talk about the  
19 issues that have been brought forward.

20 I know that there's been a lot of talk about  
21 the infrastructure of that -- of the Moorland area. The  
22 park would be a wonderful thing to see happen. There's  
23 other infrastructure requirements. I think we as a  
24 community, again, need to double back our efforts in  
25 terms of not only the annexation, but also to look at

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1 any kind of a -- you know, with whatever we call the gap  
2 analysis, if there's -- if there's a need to look at and  
3 make sure the services -- that there's no area the  
4 services are not being provided to as easily obtained  
5 as -- as anywhere else.

6 The recommendations, I think, on the -- on the  
7 police training, I know that -- I understand, at least,  
8 the POST training, the Police Officer Standards  
9 Training, which is statewide, is what most jurisdictions  
10 follow. I don't know how it changes from jurisdiction  
11 to jurisdiction along the way, or if the standards are  
12 always that way. I look forward, personally, to  
13 learning more with that, and how -- how we go forward  
14 with truly understanding those numbers.

15 The idea on the coroner's office, I -- it's an  
16 intriguing idea and again should be on the able for --  
17 for that task force or this board to -- to look into.  
18 And at the end of the day, it's going to take resources  
19 that we need to be able to find and means that we're  
20 going to have to shift dollars from one area to another  
21 because there's a finite amount of money. The community  
22 policing aspect, I know from the sheriff's standpoint,  
23 you know, a large county, it's hard to get out of your  
24 car in any given area. It's just what it is. Although  
25 we do have, as I as discussing with Supervisor McGuire,

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1 areas within the county, unincorporated areas within the  
2 county are very urbanized, Larkfield, Roseland, perhaps  
3 even Springs River. Some areas where they're more --  
4 more dense, that we do need to make that investment  
5 again. If -- if that's the recommendation going  
6 forward, and if that makes sense, that's the  
7 relationship we want to have, that's the way to rebuild  
8 the trust, that means dollars, that means we need to  
9 make sure that we're following through on that.

10 So I look forward, also, to that -- to that  
11 particular discussion. I think really, again, I want to  
12 reiterate that today was really one meeting of dozens;  
13 dozens and dozens. And these issues won't be solved  
14 overnight. I think we want to act, we want to act with  
15 due diligence, as well as to make sure that we're going  
16 in the right direction, and to make sure that we're  
17 inclusive. And the answers that we have may not be the  
18 answers that are shared by everyone. We want to make  
19 sure that we -- we hear from everyone. I think that  
20 reaching out to the community is certainly the way to  
21 go, and I look forward to that as well. And thank  
22 Supervisor Carrillo in -- in his help on that.

23 With that, I think if it's -- Supervisor  
24 McGuire.

25 MR. MCGUIRE: Just three quick points, just

1 reacting to what you had said. I think you need to have  
2 the conversation right and the research brought forward.  
3 So we know that the list -- would hope that that task  
4 force -- and I think that's the understanding right  
5 there, they're gonna do their research behind that and  
6 bring that forward.

7 MR. RABBITT: Yeah. And I think -- I want to  
8 kind of sum up what it is that -- where we need to go.  
9 I think we all want staff, County Administrator's  
10 Office, to come back to us within -- I think a quick  
11 turnaround in terms of the -- kind of the logistics of  
12 what this task force would look like. I believe that  
13 once we go out to recruit and pull people on there, and  
14 however that works, it might take a little longer just  
15 in terms of reaching those people and getting their  
16 commitments going forward. But if we can come back  
17 quickly with a task force of either 15 --

18 MS. ZANE: Yeah. Three for each district,  
19 yeah.

20 MR. RABBITT: Whatever -- or if there's  
21 another scenario that works to make sure there's staff  
22 assistance on that from either health and/or County  
23 Administrator's Office in the recommendations kind of  
24 that are inclusive of today's discussion, I think,  
25 really to keep it as broad as possible, to really

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1 address all the issues going forward. And then I think  
2 additionally, obviously budget time as we move into the  
3 new fiscal year to make sure that we understand our  
4 commitment, what our commitment needs to be in terms of  
5 the policing requirements, in terms of all those other  
6 issues that are talking about taking additional  
7 resources. And I think also in terms of looking at the  
8 annexation issues to make sure that we're redoubling our  
9 efforts, to make sure that we're moving forward in some  
10 sort of timely way.

11 Is there anything else from the -- Supervisor  
12 Zane? Sorry.

13 MS. ZANE: Yeah. The one thing I want to  
14 represent -- I want to recommend is when we come back  
15 with our three represent -- three representatives, you  
16 know, 95 percent of the government representatives in  
17 this county are Anglo. And I'd like to see that  
18 flip-flop on this -- on this task force, on this blue  
19 ribbon panel. I'd like to see it 95 percent Latino. We  
20 have gifted, intelligent, well educated people in all  
21 different segments of industries in this community. And  
22 I think we should aim for having this 95 percent Latino  
23 because I think to really give voice to the community,  
24 you know, to really put our -- our -- our actions behind  
25 our words, you know, they -- we always say that we

1 represent them, but we're 95. And we've got Supervisor  
2 Carrillo, we've got Ernesto. And I'm sitting here  
3 racking my brain thinking about how many other Latinos  
4 we have on city council, and I haven't come up with too  
5 many. So I'd like to see that flip-flop, I really  
6 would, on this particular task force, and to see us put  
7 as many Latinos on this task force as possible.

8           And then the other thing is that, you know, I  
9 just wanted to, you know, reinforce that I think we're  
10 all saying that we want to strengthen our legislative  
11 platform on gun reform, and -- and ask maybe Mr. Rumble  
12 to come back with us -- come back to us on some -- some  
13 recommendations on how we could do that.

14           And -- and then the last thing is, I'd like to  
15 suggest that we consider forming an ad hoc on financing  
16 annexation to work with two or three members of the city  
17 council, the Santa Rosa City Counsel, and -- and staff  
18 that I'd like to recommend that. I would volunteer to  
19 serve on that. Obviously Supervisor Carrillo has to,  
20 but I would volunteer myself, too, since we've worked on  
21 this on the Roseland Committee together --

22           MR. CARRILLO: Actually, Supervisor, I don't  
23 really have to do anything. Having it, you know --

24           MS. ZANE: I know you don't have to, but  
25 that's your -- that's your -- that's your district.

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1 MR. CARRILLO: (Inaudible.) Correct? Yeah.  
2 Thank you.

3 MS. ZANE: I know. That's why I was trying to  
4 be respectful of the fact that's your district. Yeah.  
5 I mean we -- as you pointed out, and I represent many of  
6 those communities, such as South -- South Park, we  
7 have -- we have communities like this in every single  
8 one of our districts. But I'm just recommending that,  
9 so that's my recommendation.

10 MR. RABBITT: Supervisor McGuire.

11 MR. MCGUIRE: No.

12 MR. RABBITT: I'm sorry. Supervisor Carrillo.

13 MR. CARRILLO: Thank you, Mr. Chair. If I  
14 could just maybe speak to the blue ribbon task force and  
15 what its -- its charge is going to be. I think we need  
16 to be very clear today what the recommendation is by  
17 this board. You know, you can have 100 or 1,000 items  
18 under the sun that this task force could potentially  
19 discuss. I'd actually like to see us bring back an item  
20 by our first meeting in December. I think December 3rd  
21 is the first meeting we'll be meeting after today's  
22 meeting. I think we go dark. Or do we meet next week?

23 MS. ZANE: Don't we have one more week?

24 MR. CARRILLO: Next week -- to -- to  
25 specifically either at that point be prepared to appoint



1 who we wish to have on that -- on that task force. You  
2 know, I do think that we need to additionally not only  
3 provide this task force with a pretty straight charge of  
4 what it is we want them to -- to do, but to do so in a  
5 timely fashion. I actually would encourage us, and I  
6 think some departments have already done this, to see  
7 what it is that we can do internally within our county  
8 family, our county departments, to facilitate the  
9 conversations around investments and services and -- and  
10 in working with others.

11 You know, this -- this board has always  
12 considered the creation of a coalition. We did that  
13 immediately from the incident of this tragedy, you know,  
14 whatever you want to call it, a coalition, a blue ribbon  
15 task force. If we are to discuss the issue of  
16 independent review boards, I think I need to make  
17 something very clear here. This is not just the  
18 sheriff's office that we're speaking about, it's the  
19 independent police departments within every jurisdiction  
20 within the county. And once you start engaging in that  
21 conversation, I can tell you, it's going to be a  
22 challenge and difficult to have something broad that  
23 incorporates and includes not just what the county wants  
24 to do, but that does include the cities as part of that  
25 conversation. You know, we have nine individual cities,

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1 two of them happen to have a relationship with the  
2 county, and that the sheriff's office does have a  
3 contract to provide public safety services.

4 So, you know, again, I just want to make sure  
5 that we're clear with what it is we're trying to achieve  
6 in the short-term, what it is we're hoping to achieve in  
7 the long-term. Yes, they are directly related to one  
8 another, but if we are to look at -- I mean, I just want  
9 to -- you know, you -- you talked about the library,  
10 JPA. That's been a year long, year and a half long  
11 conversation already. And we're talking about  
12 governance in libraries. So I -- you know, the SWAG,  
13 the solid waste advisory group, the task force, the  
14 plastic bag ban.

15 I just think we need to be real -- real  
16 thoughtful in what it is we hope to -- to -- to be  
17 successful immediately because I don't -- I fear that  
18 the community is going to get a false sense of what we  
19 are able to accomplish immediately and what we're able  
20 to accomplish in the long-term. You know, when you're  
21 talking about investments, you're not just talking about  
22 roads and -- and -- and schools and parks, you know,  
23 we're talking about libraries. We've been talking about  
24 libraries and this community does not have a library in  
25 its -- in its environ. So I do think that we have the

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1 resources embedded already within the county family,  
2 whether it's in a health department, in human services,  
3 in -- in -- in ISD. I mean, I think we have to turn  
4 over every rock within our own county family. I think  
5 Mike -- or Supervisor McGuire, what you've -- you know,  
6 looking at -- you know, looking ourselves in a mirror.  
7 And I think that's -- that's an area that we can do  
8 irregardless of the task force. I think the blue ribbon  
9 task force needs to -- needs to have some set priorities  
10 in what it is it -- it helps to achieve.

11 But independent of that, I think the county  
12 can follow a parallel path. And independent of that, I  
13 think we need to follow a parallel path to go and listen  
14 to the community and to not talk to them, but talk with  
15 them. And I hope we'll be able to do that sooner rather  
16 than later. I don't -- I don't think that it's  
17 necessary for the task force to tell me that I need to  
18 go out there and -- and listen to the community. I  
19 think we -- you know, it's contingent upon to us to do  
20 that regardless. And it needs to be a long term. And  
21 one of the challenges that this county has faced  
22 long-term has been that community engagement, community  
23 involvement, and all the other priorities and issues  
24 that we've identified: Roads, infrastructure, health.  
25 These are issues that have been present the last, two,

**Board of Supervisors Meeting 11/5/2013**

1 three, four decades.

2 The one area where we've done a very bad job  
3 is in that community engagement, community involvement.  
4 And Supervisor Zane, I really appreciate you being  
5 specific to how that representation is going to look  
6 like. But I do believe it needs to be a broad  
7 representation of our community. You know, this is not  
8 just a Latino issue. And I say this as a Latino, I say  
9 this as a son of immigrant parents, I say this as  
10 someone who grew up in Southwest Santa Rosa and lived in  
11 Southwest Santa Rosa for many years. The entire  
12 community needs to be in and engaged in this  
13 conversation. You know, you don't change how people  
14 feel about other people with policies and laws, you  
15 change -- you know, that change is when -- when we begin  
16 to feel that in our hearts.

17 So you know, I'm -- I'm -- I'm ready and I --  
18 you know, if -- if we want to set up another ad hoc to  
19 deal with annexation issues, I would welcome your  
20 participation. That's something that -- that I -- that  
21 I've cared about and been interested from day one. But  
22 we need to -- but we -- we've proved that we alone can't  
23 make that happen if we don't have the engagement of our  
24 partners. You know, we've -- we've gone around on this,  
25 but I do think that the time -- I think Supervisor

**Board of Supervisors Meeting 11/5/2013**

1 Rabbitt said, you know, the time is now. It's our time  
2 to start moving on some of these issues, and that's one  
3 of them.

4           You know, LAFCO discussed it for years. You  
5 know, I -- I will take this opportunity to say this  
6 here: There's been an undertone that has been expressed  
7 in the chambers today around profiling and racism. And  
8 you know, we have to ask the question, are -- are -- are  
9 the investigations and the discussions that are taking  
10 place, I mean, does it exist in this county?

11 Absolutely. We don't only see it in this arena, we see  
12 it in business, we see it in schools. We see classism.  
13 And that -- that exists.

14           And you know, if it's the charge of this task  
15 force to begin addressing those discussions, this is a  
16 long-term thing. So I hope that we're going to have  
17 something that addresses this tragedy, short-term  
18 perspective, but from a long-term, that we can start  
19 engaging the community to being brought in and  
20 participating in what it is we're doing with Upstream,  
21 with Health Action, Collective Impact, Cradle to Career.  
22 And these are all initiatives that we've launched, and  
23 yet the -- the key part, the element that's still  
24 missing is the community, the residents. And if we're  
25 not doing a good job on that, I think we're going to

1 fail.

2 MR. RABBITT: I appreciate that. And how  
3 about this as we move forward: I think what -- what I  
4 would recommend is that staff can synthesize what was  
5 brought up today, and that we move forward on three  
6 parallel tracks, perhaps four, if we want to go in that  
7 direction.

8 One of course is at -- at our own level, the  
9 board level, of what we can do first and foremost.

10 The other, like you said, is that staff going  
11 forward. And I think that staff is very -- hears that  
12 loud and clear.

13 I think that the third, as was mentioned, was  
14 that task force. And the task force is going to take a  
15 little bit of time to get rolling. I think that at our  
16 next meeting where we're all here, which I think is  
17 in -- December 3rd, we can bring that list back and  
18 really charge the task force with their -- with what  
19 they need to look at. We can talk about what we can do,  
20 independent of the task force immediately. We can talk  
21 and make sure that we know what staff is doing as well.

22 We can also talk about the ad hoc, and the  
23 value of the ad hoc, moving forward on -- on the  
24 annexation issues. I think that's a good way to move  
25 forward. I think it's -- it is time to kind of compile

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1 all this information still gathered it up until that  
2 point in time and make sure that -- I know that we've  
3 all been talking to a lot of people, gathering that  
4 information, bringing it forward, having staff, like I  
5 said, synthesize that, and kind of allocate tasks to the  
6 board, staff, and the task force going forward.

7 Supervisor McGuire.

8 MR. MCGUIRE: Absolutely. I fully support  
9 that. So December 3rd, the bones of the task force,  
10 right, is we're looking at the three --

11 MR. RABBITT: And I think if you -- I mean,  
12 if -- it sounds like we will have a task force, we will  
13 give them their -- we will discuss their duties on that  
14 particular day.

15 MR. MCGUIRE: Yes.

16 MR. RABBITT: So between now and then, by all  
17 means, recruit --

18 MR. MCGUIRE: That's great.

19 MR. RABBITT: -- reach out and talk to folks.

20 MR. MCGUIRE: No, absolutely. And I think  
21 Supervisor Carrillo is correct in regards to -- and I  
22 know the county administrator has already been working  
23 on this as well, along with the chairman and Supervisor  
24 Carrillo, on where we can look at strategic investments,  
25 in particular on the county-wide level and resources

**Board of Supervisors Meeting 11/5/2013**

1 that we have the ability to move forward sooner rather  
2 than later. And I'll just use the example of community  
3 policing and what that can mean. Again, I think that's  
4 having what you had just outlined, task force, ad hoc,  
5 talking about potential annexation, as well as what the  
6 county can do on an independent track, fully support.

7 And I should have said this earlier, and I  
8 apologize. Chairman, I just want to say thank you for  
9 your work as well. I know that every member of the  
10 board, whether it's Supervisor Carrillo representing the  
11 Moorland area, the chairmen working on this issue.  
12 County administrator's office, thank you. And I would  
13 regret not to say, I know this is an issue that also  
14 impacted the sheriff's office. And it has been,  
15 frankly, devastating to many in the sheriff's office  
16 since this tragic event took place. So I would be  
17 remiss in not saying that as well.

18 MR. RABBITT: Right.

19 MR. MCGUIRE: Thank you.

20 MR. RABBITT: Thank you.

21 Looks like we're good in terms of the  
22 direction and staff is clear on --

23 UNKNOWN SPEAKER: (Inaudible.)

24 MR. RABBIT: We have it on tape. We are going  
25 to take a break. It is 12:05. I want to invite



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1 everyone in the audience, there is some -- there's a bit  
2 of an early reception for the Jefferson award winners,  
3 which we're going to take as we move back. There is a  
4 little bit of food in the -- which room?

5 UNKNOWN SPEAKER: (Inaudible.)

6 MR. RABBIT: -- community and government --  
7 government affairs hall -- room down the hall. You're  
8 more than welcome to -- to join us. And we will be back  
9 in, most likely, realistically, probably at 12:30.  
10 Thank you.

11 (Whereupon, the transcription is  
12 concluded.)

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REPORTER'S CERTIFICATE

I, Sarah J. Bingham, a Certified Shorthand Reporter, do hereby certify that the foregoing is a full, true and correct transcript of the proceedings had at the taking of said proceedings.

I further certify that I am not of counsel or attorney for either of any of the parties in the above-mentioned cause, or in any way interested in the outcome of said cause.

I hereby affix my signature this 15th day of November, 2013.



\_\_\_\_\_  
Sarah J. Bingham  
CSR #13720

DRAFT Charter  
Community and Local Law Enforcement Task Force  
December 3, 2013

**1. Background: The Need**

Sonoma County recently experienced a tragedy in the shooting death of Andy Lopez by a Sonoma County deputy sheriff when he was seen carrying a BB gun designed as a replica assault rifle. An investigation process is underway currently, including potential federal investigation and civil legal proceedings on behalf of the Lopez family. However, Andy's death has generated a need for community healing efforts addressing a wide range of issues. This Task Force is being created to address four important issues necessary for this healing through the convening of 21 representative members of the community and ultimately making recommendations to the Board of Supervisors.

**2. Task Force Charges (4):**

**First, the Task Force is charged with reviewing options for, and ultimately recommending within 60 days, a model for an independent citizen review body.**

The options should include the range of composition and powers vested in similar bodies in other communities from the current status quo in Sonoma County (Grand Jury), to using the existing Grand Jury differently, and the four separate models noted below. The review should also look at legal constraints and best practices involved in constituting and using such bodies. Further, the Task Force is specifically directed to explore and develop definitions of transparency for any investigations or reviews to be conducted by the body.

The following four models should be reviewed with the purpose of developing better relationships, and creating credible citizen oversight and involvement with law enforcement agencies:

- Citizen Review Board,
- Police Review/Citizen Oversight Review Board,
- Police Review/Citizens Police Appeal Board,
- Independent Citizen Auditor

In addition, among the powers to be reviewed are the ability to conduct investigations and reviews of citizen deaths resulting from interaction or custody by law enforcement agencies, the ability to subpoena witnesses or citizens to testify to the review body, the ability to review and make recommendations with respect to law enforcement training, including lethal force and cultural diversity training and related protocols used by law enforcement, the ability to review and make recommendations with respect to psychological support given for officers, the ability to make recommendations with respect to communication and education about protocols and training used by law enforcement officers, the ability to make recommendations with respect to education of

the community about their rights when interacting with law enforcement officers, and the ability to make recommendations with respect to overall militarization of local law enforcement agencies.

The goal for the first charge is to develop recommendations that can be adopted by all affected agencies in the county.

**Second, the Task Force is charged with reviewing and recommending by April 30, 2014 options for community policing to be considered with the FY 14/15 budget process.**

Specifically, the review should include definitions and best practices for community policing and measures of effectiveness used by other communities. Further the recommendations should take into account where such practices and programs would be most helpful in Sonoma County to rebuild trust and address disparities in law enforcement service delivery between communities. At a minimum, the review should look at practices associated with officers and communities getting to know one another, community input into interactions with law enforcement personnel, and various neighborhood educational programming.

**Third, the Task Force is charged with reviewing and recommending by June 1, 2014 whether the Office of Coroner should be separately elected from the Office of Sheriff.**

**Fourth, the Task Force is charged with bringing to the Board of Supervisors any additional feedback from the community on these issues that merits County attention by the end of 2014.**

The Task Force should collect additional feedback from the community on the issues discussed at the Community Healing session and related to the Andy Lopez tragedy over the course of the year and bring to the Board of Supervisors such feedback that merits County attention periodically and at a minimum at the end of the Task Force's tenure in December 2014.

Specifically this feedback should look at whether a sense of accountability to the community has been enhanced and whether there are any additional programs to address community trust and well being that should be recommended.

### **3. Approach to the work of the Task Force**

The Task Force is directed to work with all the law enforcement jurisdictions in the County and is directed to be open to public input. The Task Force may develop sub-committees and other guidelines for the conduct of its business but is expected to comply with the Brown Act as an advisory body appointed by the Board of Supervisors.

Staff from the County Department of Health Services, the County Department of Human Services and the County Administrator will be dedicated to support the Task Force in its efforts and logistics needs. In addition, staff from County Counsel and a wide variety of other County departments will be called on to provide information or other forms of support for this effort.

Staff will take draft recommendations for each of the charges to appropriate advisory groups and commissions, including but not limited to: the Health Action Council, the First 5 Commission, the Prevention Partnership, the Maternal, Child and Adolescent Health Advisory Board, the Advisory Board on Alcohol/other Drug Problems, the Mental Health Board, the Commission on AIDS, The Upstream Investments Policy Committee, the Police Chiefs' Association in Sonoma County, a local Law Enforcement Union Council (or equivalent), and the Sheriff's Latino Advisory Committee. The Task Force shall incorporate input from these bodies into their final recommendations.

#### **4. Task Force Composition**

##### **Task Force Members: (to be named when appointed)**

The make-up of this task force is recommended to be 3 members to be appointed by each Board member, 3 recommended by the Sheriff, 2 appointed by the Mayor of the City of Santa Rosa, and 1 recommended for appointment by the District Attorney; to represent our diverse community demographically, geographically, and from all walks of life.

Ideal task force members will have the ability and commitment to listen and weigh information with an open mind, engage and fully participate in the development of recommendations, and bring professional skills and expertise and/or the ability to articulate a perspective from their experience which represents the diversity of our community.

The attached matrix provides a framework for assisting to ensure representation as a whole achieves the desired diversity and community inclusion.

#### **5. Timing**

December 2013—Task Force Appointed and Convened for Kick Off Meeting

February 2014 – First set of recommendations due

April 30, 2014 – Second set of recommendations due

June 1, 2014—Third set of recommendations due

December 31, 2014 – Final set of recommendations due





## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 46**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Permit and Resource Management Department

**Staff Name and Phone Number:**

Dean Parsons 565-1948

**Supervisorial District(s):**

First and Fourth

**Title:** Fourth General Plan Amendment Package for 2013

### **Recommended Actions:**

Request the Board to hold a separate public hearing on each of the two proposed General Plan Amendments, 1) approve each Resolution approving the respective General Plan Amendments, and 2) adopt related Ordinances rezoning affected properties.

### **Executive Summary:**

The Board is requested to conduct a public hearing on the proposed fourth General Plan Amendment package for 2013 containing two individual Memos, and Draft Board of Supervisors Resolutions and Draft Ordinances if applicable.

The Planning Commission recommends approval for the following two items. Each item must be acted upon individually by opening the public hearing, closing the public hearing and conducting a vote.

#### **ITEM #A:**

File No.: PLP12-0005

Staff: Dean Parsons

Applicant: 101 Partners and Nutrdine, c/o Paul Butler

Env. Doc.: Mitigated Negative Declaration

Location: 101 Grant School Road, Healdsburg

APNs: 086-030-017 Supervisorial District: 4

Description: Request for: 1) a parcel specific General Plan Area Policy to allow an expanded facility; 2) a Zone Change to add reference to the parcel's site specific General Plan Area Policy; 3) a Use Permit for the expansion of an existing fish/pet food manufacturing facility on a 2.7 acre parcel.

|   |           |  |           |
|---|-----------|--|-----------|
| <b>ITEM #B:</b>   |           |  |           |
| File No.:   |           | PLP13-0034   |           |
| Staff:  |           | Scott Hunsperger   |           |
| Applicant:  |           | Gordon Holmes/Pursuit Enterprises LLC                                |           |
| Env. Doc.:  |           | Catagorical Exemption  |           |
| Location:   |           | 3877 Trinity Road, Glen Ellen  |           |
| APNs:   |           | 053-051-001 (Portion)                      Supervisorial District: 1 |           |
| Description: Request for: 1) A General Plan Amendment from the DA (Diverse Agriculture) 35 acre density designation to the RRD (Resources and Rural Development) 40 acre density land use designation; 2) an amendment to the North Sonoma Valley Specific Plan from the Resource Conservation, 40-100 acre density to the Resource Conservation, 20-40 acre density land use designation; and 3) a corresponding Zone Change from the DA (Diverse Agriculture), B6-35 acre density, SR (Scenic Resources) District to the RRD (Resources and Rural Development), B6-40 acre density, SR zoning district to fulfill a Condition of Approval for LLA12-0022 on 1.73 acre parcel. |           |  |           |
| <b>Prior Board Actions:</b>   |           |  |           |
| None.   |           |  |           |
| <b>Strategic Plan Alignment</b>   |           | Goal 2: Economic and Environmental Stewardship                       |           |
| The Board of Supervisors has endorsed the continuation of the General Plan policies to support agriculture production and processing, while protecting the environment. The GPA's will align public services with community needs.  |           |  |           |
| <b>Fiscal Summary - FY 13-14</b>  |           |  |           |
| <b>Expenditures</b>   |           | <b>Funding Source(s)</b>   |           |
| Budgeted Amount   | \$        |  | \$        |
| Add Appropriations Req'd.   | \$        | State/Federal  | \$        |
|   | \$        | Fees/Other   | \$        |
|   | \$        | Use of Fund Balance  | \$        |
|   | \$        | Contingencies  | \$        |
|   | \$        |  | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b>   | <b>\$</b> |
| <b>Narrative Explanation of Fiscal Impacts (If Required):</b>   |           |  |           |
| Planning application fees for these two projects address PRMD processing costs.   |           |  |           |



| <b>Staffing Impacts</b>  |   |                              |                              |
|--|---|------------------------------|------------------------------|
| <b>Position Title</b><br>(Payroll Classification)                  | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|  |   |                              |                              |
|  |   |                              |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b>    |   |                              |                              |
| None.  |   |                              |                              |
| <b>Attachments:</b>  |   |                              |                              |
| General Plan Amendment Memo with attachments for Item A and Item B |   |                              |                              |
| <b>Related Items “On File” with the Clerk of the Board:</b>        |   |                              |                              |
| None.  |   |                              |                              |



# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

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**DATE:** December 3, 2013 at 2:10 p.m.

**TO:** Board of Supervisors

**FROM:** Dean Parsons, Project Planner

**SUBJECT:** Hearing to consider a General Plan Amendment, Zone Change to add a Planning Area Policy, and a Use Permit; Application No., PLP12-0005; Nutradine, Inc., applicant; Supervisorial District No. 4.

### **Action Requested of the Board of Supervisors:**

The Board is requested to conduct a public hearing on the proposed General Plan Amendment, Zone Change and Use Permit and consider the Planning Commission recommendation. At the conclusion of the hearing your Board may adopt the Mitigated Negative Declaration and approve the General Plan Amendment, Zone Change and Use Permit as recommended by staff and the Planning Commission.

### **Prior Actions:**

On September 24, 2001 the applicant received Use Permit approval to manufacture Spirulina (algae food product) on site. Spirulina is an agricultural product currently cultivated in tanks inside an existing on-site warehouse.

On October 17, 2013, the Planning Commission, with a 5-0 vote, recommended that the Board of Supervisors approve the request by Nutradine, Inc. for the General Plan Amendment, Zone Change and Use Permit to allow an expanded line of nutrient related animal/fish food products on a 2.7 acre site historically utilized as a fruit processing plant for the last 70+ years.

### **Location, Zoning and Project Description:**

The subject property is located at 101 Grant School Road; APN 086-030-017; Supervisorial District No. 4. The base zoning is DA (Diverse Agriculture), and combining zones include SR (Scenic Resources), and VOH (Valley Oak Habitat).

The proposed project is a request for a modified Use Permit to allow for the diversification and expansion of the existing Spirulina manufacturing facility to allow processing and manufacturing of animal/fish food nutraceuticals or nutrient related products from substances not grown on site. The expansion includes replacing an existing  $\pm$  9,700 square foot warehouse building with a new  $\pm$ 20,000 square foot warehouse building and an increase in the number of full-time employees from 9 to 30. The request also includes a new General Plan Planning Area Policy to allow continued on-site industrial uses consistent with the development standards of the M3 Zoning District, including a maximum future building foot print of 40,000 square feet.

## **ISSUES DISCUSSED AT THE PLANNING COMMISSION PUBLIC HEARING**

### **Issue #1:**

The Planning Commission asked if there are any odors generated on site that may be offensive to neighbors and if the public would be visiting the site.

### **Resolution**

The ongoing manufacturing of Spirulina does not create offensive odors and the importation and mixing of other pet/fish food nutrients imported to the site are usually in a dry form and do not create odors that will be offensive to neighbors. The public does not go to the site; only employees and deliveries to and from the site generate project related traffic.

### **Issue #2:**

The Planning Commission stated that the solution to allowing the existing business to expand its product line is appropriate for the site but stressed that the Commission should respond to such requests cautiously without creating precedence for sprawl in Community Separators.

### **Resolution**

The site is located within the Windsor-Healdsburg Community Separator. The General Plan describes Community Separators as follows:

*“lands that function as rural open space to separate cities, to contain urban development, and provide city and community identity by providing visual relief from continuous urbanization. As Community Separators are rural areas that have open space characteristics, many of these areas are also scenic. The lands within Community Separators are frequently subject to pressure for development because they are close to developed areas and major roads.”*

The site has historically been used for fruit processing for approximately 70 years, and more recently Spirulina processing since 2002. The site's development has long-standing industrial characteristics including a 10,000+/- sq. ft. warehouse and a former 9,700+/- sq. ft. fruit dryer building, storage buildings and an office with no field grown crops or housing of livestock that is characteristic of most Diverse Agriculture designated properties. The project includes continued Spirulina processing with an expansion of other animal/fish products which will not substantially change the site's historic use or appearance. This relatively modest expansion will not be visible from Old Redwood Highway but portions are visible from Hwy 101 (looking west of the highway in the vicinity of Healdsburg Ave. north-bound exit – Exit 502). The aesthetic issues associated with additional on-site development can be mitigated with a condition to require Design Review for all new construction, a building height limit of 35 feet, and a requirement for landscape screening.

A proposed General Plan Planning Area policy is required to achieve General Plan and Zoning consistency by recognizing the current Diverse Agriculture land use designation but also allowing expansion of the existing use up to a maximum of 40,000 square feet. The project is not expected to degrade the visual quality of the Community Separator.

The Planning Commission supports the proposed site-specific General Plan Planning Area Policy to recognize the existing industrial nature of the site and allow the relatively minor intensification of the use, including replacement structures and expanded fish and animal food production as follows:

*Policy LU-14m: Notwithstanding the existing Diverse Agriculture land use designation of the existing 2.7 acre industrial site identified as Nutradine (APN 086-030-017), continued processing (manufacturing) of nutraceuticals or nutrient related products, including manufacturing of products from substances not grown or raised on site or in the local area and modification to procedures and materials can occur consistent with Use Permit PLP12-0005. Uses listed as “permitted uses” not requiring a Use Permit under the Limited Rural Industrial District, with the exception of vehicle and truck repair facilities and recycling collection facilities, are allowed subject to Design Review approval. Design Review shall address visual impacts of site development as viewed from Highway 101. All structures, including reconstruction or replacement structures, shall not exceed a combined footprint of 40,000 square feet, maximum 35 foot building height, and shall otherwise comply with development standards of the M3 (Limited Rural Industrial) Zoning District subject to septic permit compliance. An increase in the number of employees beyond 30 is dependent upon proof of adequate septic capacity and review and approval of a revised Use Permit.*

**Public Benefit:**

The expansion of Nutradine will result in an increase in the number of local jobs from 9 to 30, while filling a very unique niche market that provides specialized animal/fish products that includes nutritional supplements for threatened or endangered species. The proposed General Plan Area Policy and Use Permit modification will allow a unique business to expand its product line and continue operating in the County while providing employment for local citizens.

**List of Attachments:**

- EXHIBIT A: Draft Board of Supervisors Resolution, Conditions of Approval and General Plan Amendment Map
- EXHIBIT B: Draft Ordinance and Sectional District Map
- EXHIBIT C: Vicinity Map
- EXHIBIT D: Planning Commission Resolution No. 13-016
- EXHIBIT E: Draft Planning Commission Minutes dated October 17, 2013
- EXHIBIT F: Planning Commission Staff Report dated October 17, 2013
- EXHIBIT G: Mitigated Negative Declaration

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**On File with the Clerk:** None.



# County of Sonoma

## State of California

Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

PLP12-0005 Dean Parsons

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Adopting a Mitigated Negative Declaration And Approving A General Plan Amendment, and a Use Permit As Requested By Nutradine, Inc., For Property Located At 101 Grant School Road, Healdsburg; APN 086-030-017.**

**Resolved**, that the Board of Supervisors of the County of Sonoma (“the Board”) hereby finds and determines as follows:

**Whereas**, Nutradine, Inc, c/o Paul Butler, filed an application (“Proposed Project”) with the Sonoma County Permit and Resource Management Department for a General Plan Amendment and Use Permit to allow the diversification and expansion of an existing Spirulina manufacturing facility to also allow processing and manufacturing of animal/fish food nutraceuticals and nutrient related products from substances not grown on site with an increase in the number of full-time employees from 9 to 30. The request also includes a new General Plan Planning Area Policy to allow continued on-site industrial uses consistent with development standards of the M3 Zoning District, including an ultimate building foot print of a maximum 40,000 square feet for the site located at 101 Grant School Road, Healdsburg; APN 086-030-017; Zoned DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat); Supervisorial District No. 4; and

**Whereas**, the project is located within a Community Separator as designated by the Sonoma County General Plan which restricts industrial uses; and

**Whereas**, an Initial Study and Revised Mitigated Negative Declaration was prepared and circulated for public review on September 27, 2013 for the proposed project in accordance with all appropriate laws and guidelines; and

**Whereas**, the Planning Commission in accordance with the provisions of law, conducted a public hearing on the Proposed Project on October 17, 2013, and with a 5-0 vote, recommended that the Board approve the Proposed Project; and

**Whereas**, the Planning Commission’s recommendation on the Proposed Project has been reviewed and considered by the Board; and

**Whereas**, in accordance with the provisions of law, the Board held a public hearing on

Resolution #

Date: December 3, 2013

Page 2

December 3, 2013, at which time all interested persons were given an opportunity to be heard on the Proposed Project; and

**Whereas**, the Proposed Project is the first item of the fourth amendment of the General Plan Land Use Element for 2013.

**Whereas**, the fourth land use amendment of the General Plan Land Use Element for 2013 does not significantly alter the goals, objectives and policies of the General Plan and the change is in harmony with the rest of the General Plan; and

**Whereas**, the Board makes the following findings with respect to the Proposed Project's Mitigated Negative Declaration:

1. The Mitigated Negative Declaration was prepared, noticed, and circulated for public and agency review in accordance with all procedural and substantive requirements of CEQA and the State CEQA Guidelines.

2. The Mitigated Negative Declaration identifies and evaluates all of the potential environmental effects of the Proposed Project, and, therefore, constitutes an adequate, accurate, objective, and complete Mitigated Negative Declaration for the purposes of approving the Proposed Project, and represents a good faith effort to achieve completeness and full environmental disclosure for the Proposed Project. The Board certifies that it has reviewed and considered the Mitigated Negative Declaration, together with all comments received during the public review process, prior to reaching its decision on the Proposed Project.

3. Based on the record of these proceedings, the Board finds that there is no substantial evidence before it that the Proposed Project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.

**Whereas**, the Board makes the following findings concerning the Proposed Project:

1. The project is consistent with the Diverse Agriculture General Plan land use and zoning designations, provided that a General Plan Planning Area Policy is approved which limits the project to a relatively minor intensification of the existing pet and fish food production facility to include additional animal/fish food products manufactured from products not grown or produced on site. The Planning Area Policy recognizes that the site is located within the Community Separator but the Community Separator is not compromised because the site is already developed as an industrial site with several structures and a considerable amount of impermeable paved surfaces that is not conducive to intensive farming uses typically found on DA designated lands. The Planning Area Policy shall be applied to the site to restrict future expansion and increased intensity.

Resolution #

Date: December 3, 2013

Page 3

2. The project is consistent with General Plan Policies OSRC-1b, OSRC-1f and LU-14b because the proposed project site is already developed similar to an industrial site and the ultimate build out of a maximum of 40,000 square feet to accommodate an expanded animal and fish food product line does not significantly change the physical characteristics or use of the site. Design Review is required as a Condition of Approval to assure that the design, colors and materials of the new structures are compatible with surrounding landscape and screened from Highway 101.

3. The project is consistent with the intent of Ordinance No. 5003 R which discourages revisions to land use designations within community separators established in the Sonoma County General Plan. The restrictions outlined in the above General Plan Planning Area Policy restrict on-site land uses to allow continued production of Spirulina used for animal foods in addition to manufacturing of additional food products not grown or raised on site. The policy addresses visual impacts associated with a maximum ultimate build-out of 40,000 square feet. Design Review of all new structures ensures that adequate landscape screening and building colors and materials blend with surrounding vegetation while minimizing visual impacts from the Highway 101 Scenic Corridor.

4. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because mitigation measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.

5. The operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The overall industrial character of the site is not changing significantly by the expanded product line and all product manufacturing occurs indoors which limits any noise impacts to adjacent neighbors.

**Now, Therefore,** based on the foregoing findings and determinations and the record of these proceedings, the Board declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.

2. The Mitigated Negative Declaration is adopted. PRMD is directed to file a Notice of Determination in accordance with CEQA and the State CEQA Guidelines.

3. The Proposed Project is approved as follows:

- a. The General Plan Amendment is approved as part of the fourth amendment of the General Plan Land Use Element for 2013.
- b. The General Plan Amendment is approved to amend the Land Use Element by adding Healdsburg and Environs Planning Area Policy LU-14m as follows:

Policy LU-14m: Notwithstanding the existing Diverse Agriculture land use designation of the existing 2.7 acre industrial site identified as Nutradine (APN 086-030-017), continued processing (manufacturing) of nutraceuticals or nutrient related products, including manufacturing of products from substances not grown or raised on site or in the local area and modification to procedures and materials can occur consistent with Use Permit PLP12-0005. Uses listed as "permitted uses" not requiring a Use Permit under the Limited Rural Industrial District, with the exception of vehicle and truck repair facilities and recycling collection facilities, are allowed subject to Design Review approval. Design Review shall address visual impacts of site development as viewed from Highway 101. All structures, including reconstruction or replacement structures, shall not exceed a combined footprint of 40,000 square feet, maximum 35 foot building height, and shall otherwise comply with development standards of the M3 (Limited Rural Industrial) Zoning District subject to septic permit compliance. An increase in the number of employees beyond 30 is dependent upon proof of adequate septic capacity and review and approval of a revised Use Permit.

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

|        |       |          |           |          |
|--------|-------|----------|-----------|----------|
| Gorin: | Zane: | McGuire: | Carrillo: | Rabbitt: |
| Ayes:  | Noes: | Absent:  | Abstain:  |          |

**So Ordered.**





recommendations for cross connection control shall, at a minimum, meet the requirements of the 2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

If the applicant has been required to do a cross-connection control survey by the California Department of Public Health, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

6. Prior to building permit issuance and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
7. Prior to the issuance of building permits and vesting the Use Permit, the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
8. If a Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required.
9. Prior to the issuance of any building permit and vesting the Use Permit, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

10. Application for a renewed waiver to wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board for the generation of any process wastewater. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.
11. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection

completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel.

Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis, groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

Vector Control:

12. A Rat and Fly Control Plan shall be submitted prior to the construction and prior to vesting the Use Permit. Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) may be consulted for additional information. The Project Review Health Specialist shall receive and review a copy of the Rat and Fly Control Plan.

PRIOR TO OCCUPANCY:

Water:

13. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the PRMD Project Review Health Specialist.

OPERATIONAL REQUIREMENTS:

Water:

14. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
15. A safe, potable water supply shall be provided and maintained.
16. The location of the well, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
17. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.

Septic:

18. Maintain the Annual Operating Permit for any package treatment plant, alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.

19. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system. The current septic system is designed for 450 gallons per day and can accommodate a maximum of 30 persons per day, including all job descriptions, owners and officers and including all shifts in a given day.
20. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.

Hazardous Materials:

21. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (Hazardous Materials Handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.

Noise:

22. Noise shall be controlled in accordance with Table NE-2 as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

| Hourly Noise Metric <sup>1</sup> , dBA  | Daytime<br>(7 a.m. to 10 p.m.) | Nighttime<br>(10 p.m. to 7 a.m.) |
|---|--------------------------------|----------------------------------|
| L50 (30 minutes in any hour)  | 50                             | 45                               |
| L25 (15 minutes in any hour)  | 55                             | 50                               |
| L08 (4 minutes and 48 seconds in any hour)  | 60                             | 55                               |
| L02 (72 seconds in any hour)  | 65                             | 60                               |
| <sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 72 seconds in any hour. |                                |                                  |

23. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Solid Waste:

24. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

Smoking:

25. Smoking is prohibited in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code.
26. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

**TRANSPORTATION AND PUBLIC WORKS:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

27. Prior to issuance of a building permit for any new building or prior to any new use of an existing building, the applicant shall pay Traffic Mitigation fees to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.

**FIRE AND EMERGENCY SERVICES:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

28. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building sites), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
29. The PRMD shall review all building construction plans for compliance with the Sonoma County Fire Safe Standards.

**PLANNING:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

30. This Use Permit authorizes continued processing (manufacturing) of nutraceuticals or nutrient related products for fish and pet foods, including manufacturing of products from substances not grown or raised on site or in the local area. Land uses listed as "permitted uses" not requiring a Use Permit under the M3 (Limited Rural Industrial District), with the exception of vehicle and truck repair facilities and recycling collection facilities, are allowed on-site subject to Design Review approval. Structures allowed to remain on the property include a 1,500 square foot office building, a 10,000+/- square foot warehouse, 1,000 square foot caretaker's unit to be converted to non-residential use, a 1,200 square foot storage building, scales and well house. This Use Permit allows the existing 9,700+/- square foot structure is to be replaced with a 20,000 square foot building. All on-site structures, including reconstruction or replacement structures, shall not exceed a combined footprint of 40,000 square feet, maximum 35 foot building height, and shall otherwise comply with development standards of the M3 (Limited Rural Industrial) Zoning District. The permitted hours of operation are Monday through Saturday, 6:00 a.m. to 10:00 p.m. with the majority of employees arriving and departing between 8:00 a.m. and 5 p.m. Any future increase in the number of employees beyond 30 is dependent upon proof of adequate septic capacity and review and approval of a revised Use Permit. The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP12-0005 as modified by these conditions.
31. Prior to vesting of the Use Permit, commencement of the expansion, and final occupancy of the first new structure, a building permit application shall be submitted for the decommissioning of the

caretaker unit into an office or other non-residential use, and a separate building permit shall be submitted to legalize the 1,200 square foot storage structure constructed on the southwestern portion of the site which is subject to Workforce Housing Fees. No other new or remodeled buildings shall receive occupancy until the unpermitted storage building and converted caretaker unit are issued Final Occupancy from PRMD-Building Division.

32. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
33. Prior to building permit issuance for any new structures, a professionally prepared Design Review application, including landscape, lighting and building design plans shall be submitted for Design Review Board review and approval. The application shall include landscape screening to aide in screening the site and associated development from Highway 101. The landscape species and landscape plan shall ensure there will be no impact to the existing septic system and leach field. The Design Review process shall include review of colors and materials that blend with surrounding vegetation and minimize visual impacts as viewed from Highway 101.

Mitigation Monitoring: Prior to issuance of a final occupancy permit, PRMD shall inspect the site to ensure compliance with approved landscape plans.

34. Prior to building permit Issuance a landscape permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091. <http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>.
35. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review (by PRMD or Design Review Committee). Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut of automatically after closing and security lighting shall be motion sensor activated. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ1 for dark areas, LZ2 for rural, LZ3 for urban) standards from Title 24 effective October 2005.
36. The applicant shall maintain a minimum of 30 tandem parking spaces on-site to serve the industrial use subject to review and approval by PRMD through the Design Review process. An additional three regular parking spaces shall be retained for visitor parking. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
37. The applicant shall install eight bicycle parking rack spaces. The bike racks shall be installed prior to issuance of the Use Permit Operational Certificate. A bike rack is defined as a securely mounted stand or other device constructed so as to enable the user to secure the bicycle by locking the frame and at least one wheel. Racks must be easily usable with both U-locks and cable locks. Racks must hold bicycles in a stable upright position and support bicycles so they resist falling over when bumped. Racks supporting a bike by wheel only, such as standard 'wire racks', are not acceptable. Racks must hold bikes with at least two points of contact and consistent with Bicycle Parking Guidelines prepared by the Association of Pedestrian and Bicycle Professionals (<http://www.bicyclinginfo.org/pdf/bikepark.pdf>)
38. This Use Permit (PLP12-0005) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
39. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any

applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.

40. At the time of submitting a building permit application, the applicant shall submit to PRMD a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.

41. Construction activities for this project shall be restricted as follows:

a. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on Saturdays. No construction work shall occur on Sundays or holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.

b. There will be no start up of machines or equipment prior to 7:00 a.m., Monday through Friday or 9:00 a.m. on Saturdays; no delivery of materials or equipment prior to 7:00 a.m. or past 7:00 p.m., Monday through Friday or prior to 9:00 a.m. or past 7:00 p.m. on Saturdays. There shall be no servicing of equipment past 7:00 p.m., Monday through Friday. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.

Mitigation Monitoring: All contractors and sub-contractors shall be notified of the hours of operation.

42. The project proponent shall comply with all applicable wastewater treatment requirements of the North Coast Region Regional Water Quality Control Board.

Mitigation Monitoring: The on-site wastewater system shall be subject to periodic monitoring. The results of said reports shall be submitted to PRMD.

43. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.

44. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.

45. In the event that human remains are unearthed during construction, PRMD and the County Coroner shall be notified to investigate the nature and circumstances of the discovery. At the time of discovery, work in the immediate vicinity shall cease until the Coroner permits work to proceed. If the remains were determined to be prehistoric, the find shall be treated as an archaeological site and an archaeologist as well as all other appropriate agencies shall be contacted.

46. All building and/or grading permits shall have the following note printed on plan sheets:

"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing

activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."

Mitigation Monitoring: Building/grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans.

47. Customer and Site Visitor Management. The operator of the establishment shall take all reasonable steps, including contacting law enforcement in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, parking areas under the control of the operator, and other public or quasi-public areas within site of the premises during business hours.
48. Trash, Litter, and Graffiti.
  - a. At least twice a week, the operator of the establishment shall remove trash, litter, and debris from the sidewalks adjoining the premises plus 10 feet beyond property lines as well as any parking lots under the control of the operator.
  - b. The operator of the establishment shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.
  - c. Trash can only be disposed in exterior dumpsters between the hours of 8:00 a.m. and 8:00 p.m.
49. The following dust control measures will be incorporated into the project:
  - a. Water or other dust palliative will be applied to unpaved portions of the conversion area, unpaved roads, parking areas, staging areas and stockpiles of soil daily as needed to control dust.
  - b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
  - c. Paved roads will be swept as needed to remove any visible soil that has been carried onto them from the project site.
50. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.



51. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
52. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

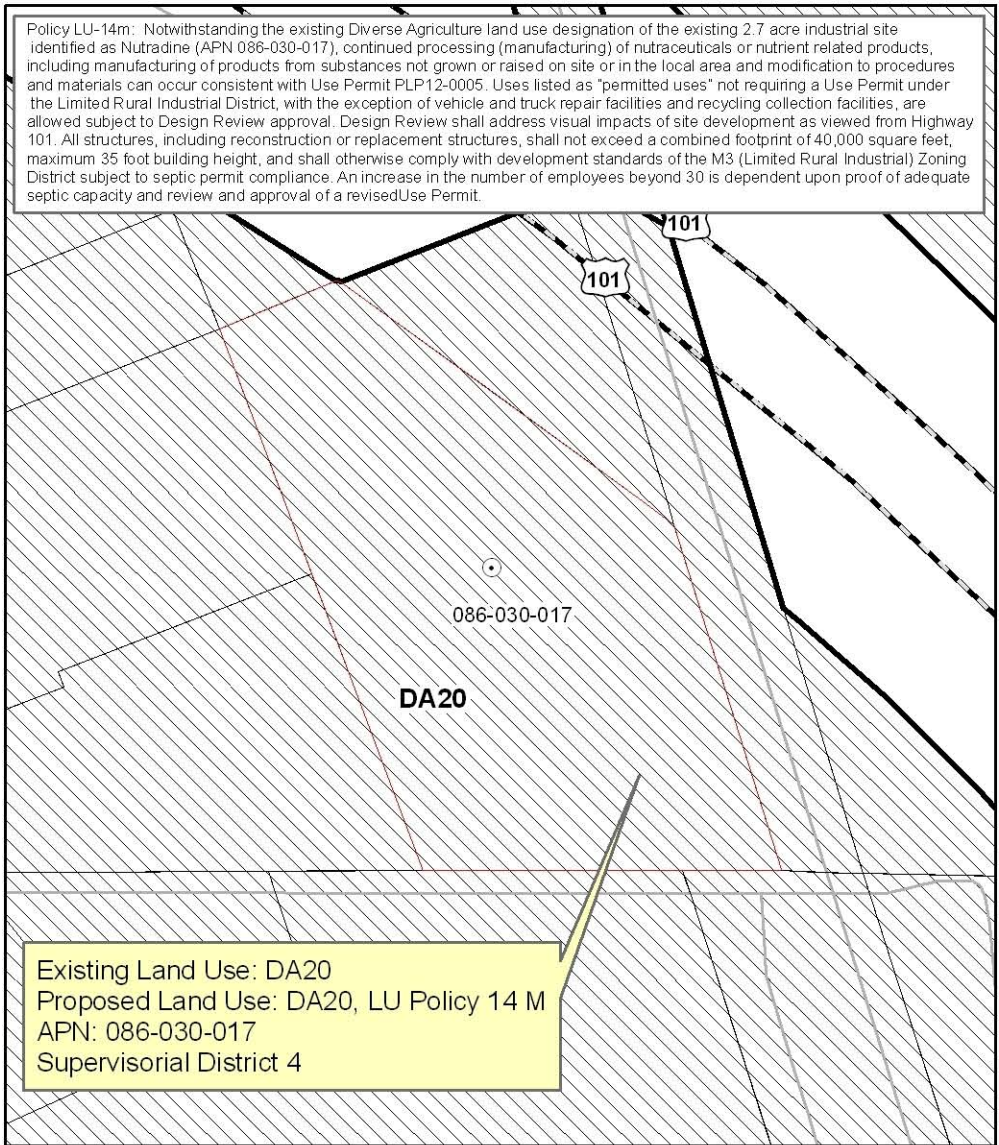
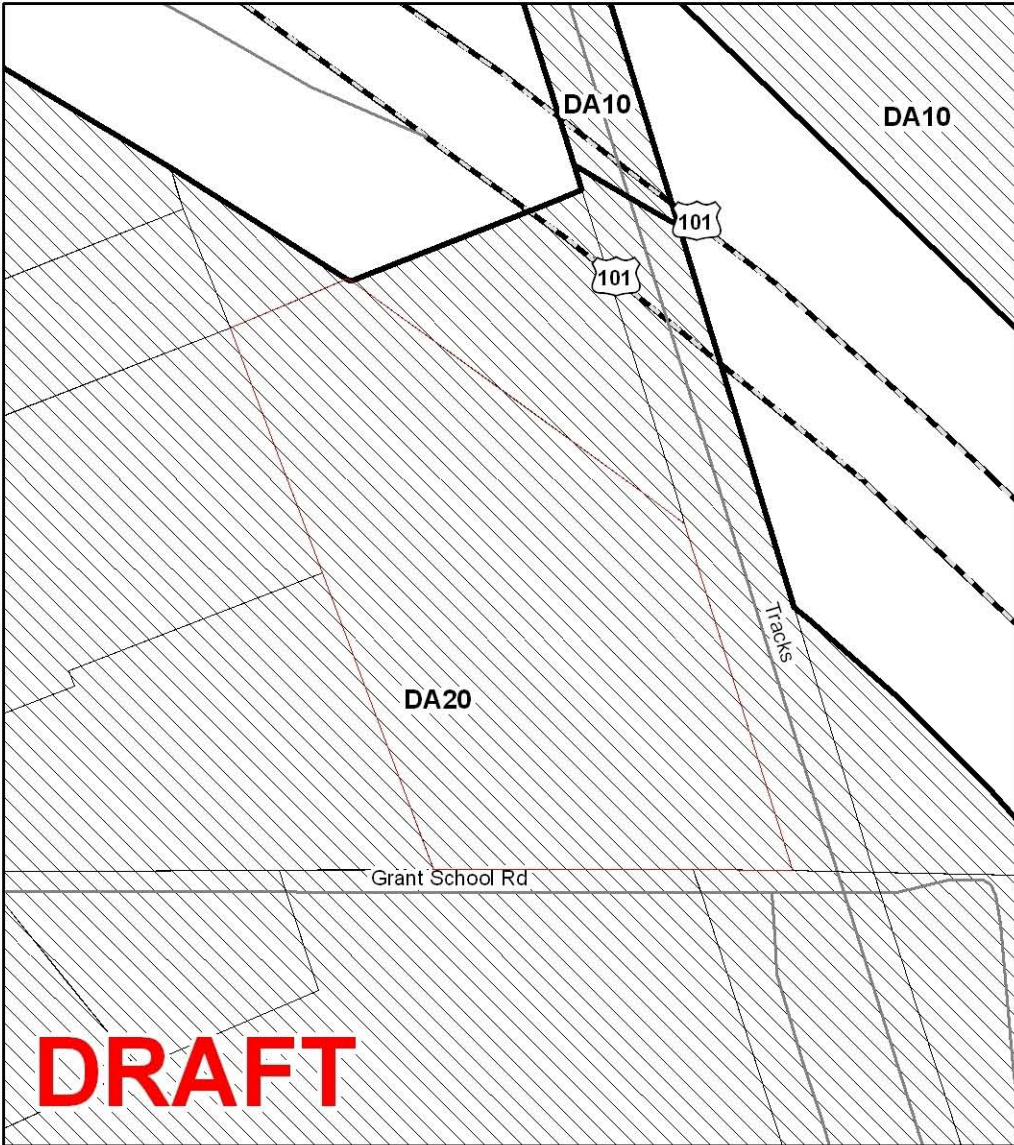
The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

53. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

# Existing General Plan Land Use

# Proposed General Plan Land Use



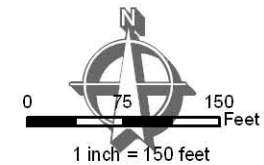
## General Plan Land Use

|   |                                      |                       |
|---|--------------------------------------|-----------------------|
| Diverse Agriculture                     | General Commercial                   | Planning Area Policy  |
| Land Extensive Agriculture              | Limited Commercial                   | AH Affordable Housing |
| Land Intensive Agriculture              | Limited Commercial Traffic Sensitive |                       |
| Resource and Rural Development          | General Industrial                   |                       |
| Rural Residential                       | Limited Industrial                   |                       |
| Urban Residential                       | Public / Quasi Public                |                       |
| Recreation / Visitor-Serving Commercial |                                      |                       |

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

## Base Map Data

|                             |
|-----------------------------|
| Subject Property            |
| Coastal Commission Boundary |
| Urban Service Areas         |
| Highways                    |
| Intermittent Stream         |
| Perennial Stream            |



FILE: PLP 12-0005  
 AP #: 086-030-017  
 Resolution No.

Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

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

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE IN SECTION 26-02-110 OF THE SONOMA COUNTY CODE, TO INCLUDE ADOPTION OF A GENERAL PLAN PLANNING AREA POLICY THAT APPLIES SOLELY TO THE SUBJECT 2.7 ACRES LOCATED AT 101 GRANT SCHOOL ROAD, HEALDSBURG; APN 086-030-017.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by adoption of a General Plan Planning Area Policy for 2.7 acres located at the end of Grant School Road off of Old Redwood Highway, also known as 101 Grant School Road, Healdsburg; APN 086-030-017; File No. PLP12-0005. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No. \_\_\_\_\_.

SECTION II: an Initial Study and Mitigated Negative Declaration was prepared and circulated for public review on September 27, 2013 for the proposed project in accordance with all appropriate laws and guidelines.

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

SECTION IV: This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 3rd day of December, 2013, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

|        |          |           |          |          |
|--------|----------|-----------|----------|----------|
| Gorin: | McGuire: | Carrillo: | Zane:    | Rabbitt: |
| Ayes:  | Noes:    | Absent:   | Abstain: |          |

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

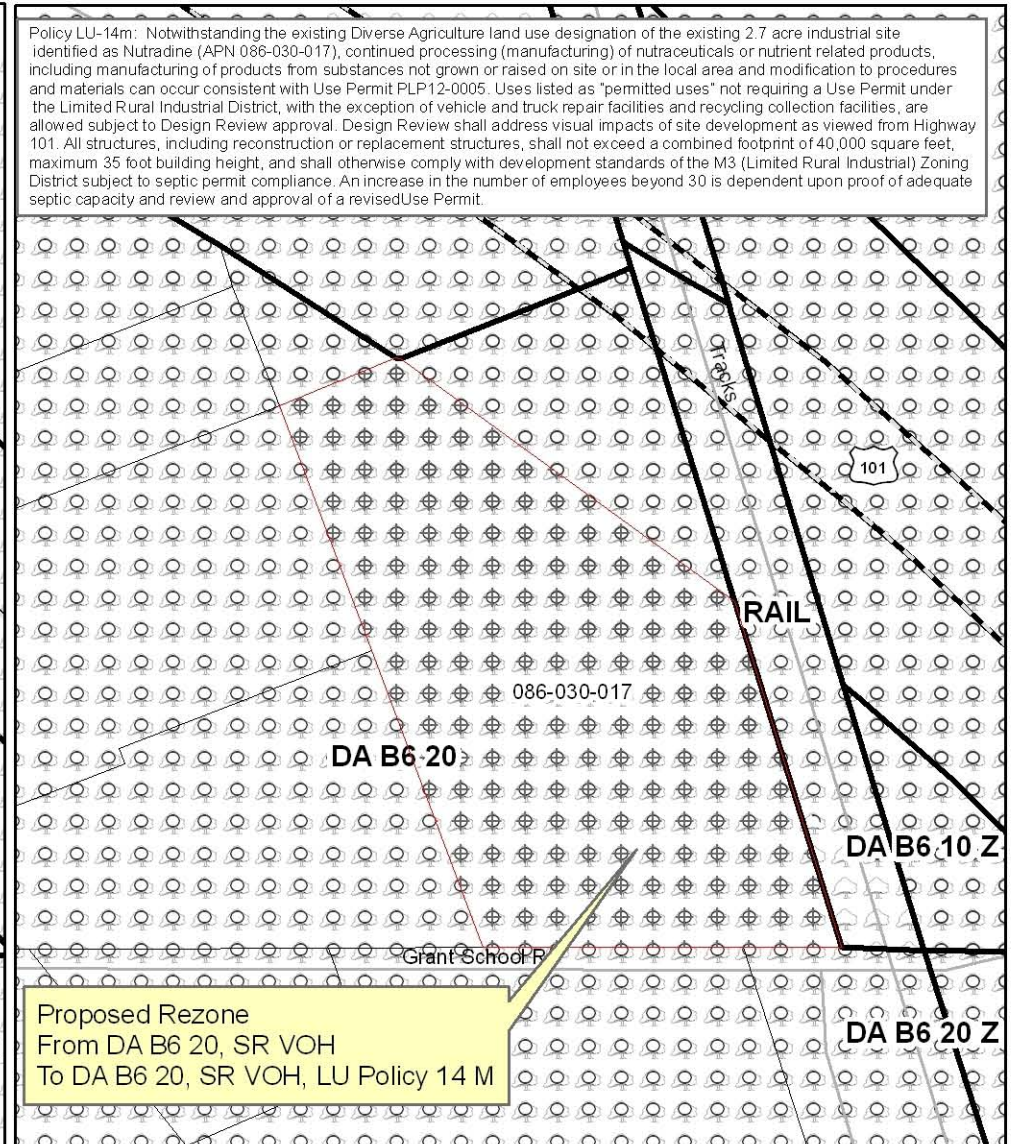
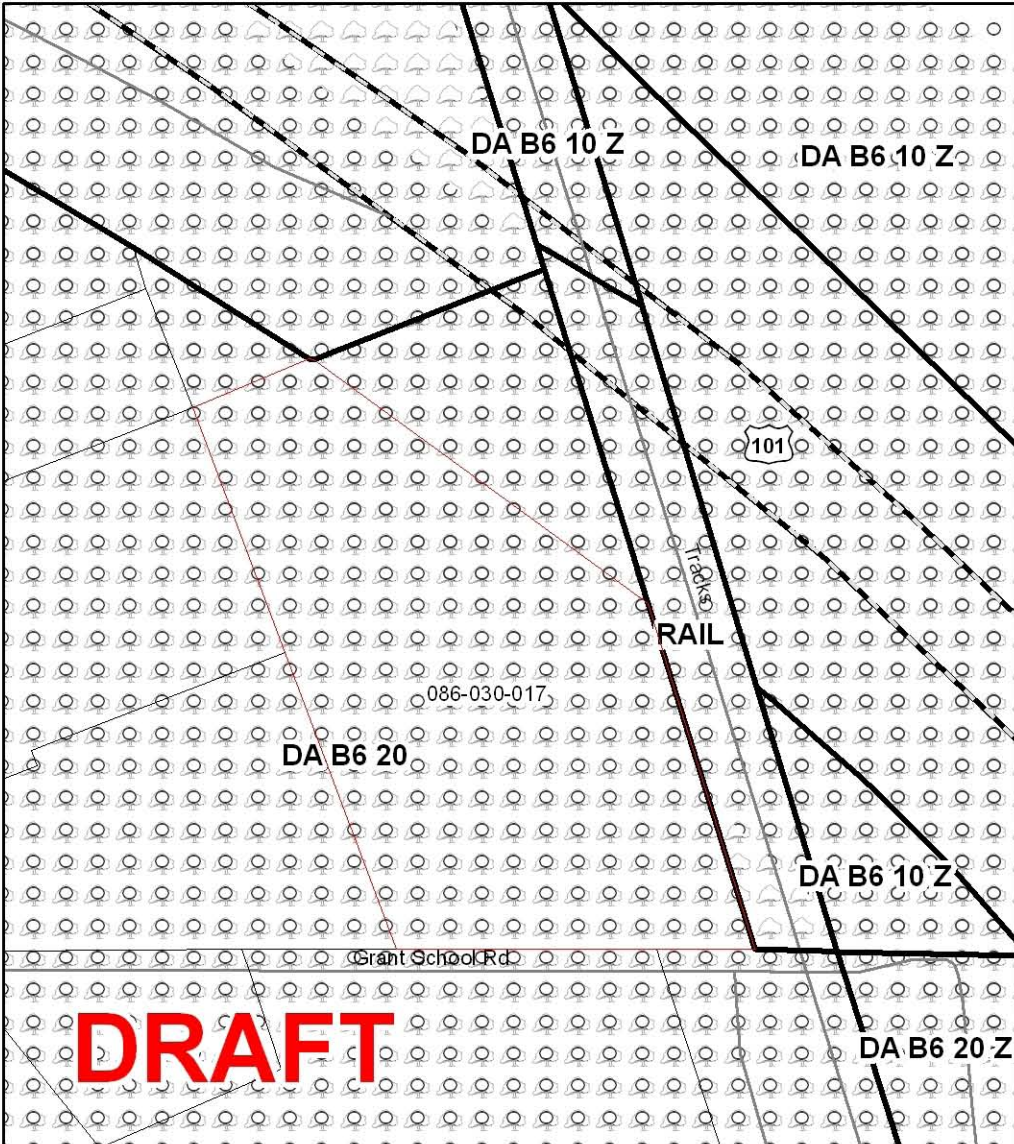
**ATTEST:**

\_\_\_\_\_  
Veronica A. Ferguson  
Clerk of the Board of Supervisors



# Existing Zoning

# Proposed Zoning



Policy LU-14m: Notwithstanding the existing Diverse Agriculture land use designation of the existing 2.7 acre industrial site identified as Nutradine (APN 086-030-017), continued processing (manufacturing) of nutraceuticals or nutrient related products, including manufacturing of products from substances not grown or raised on site or in the local area and modification to procedures and materials can occur consistent with Use Permit PLP12-0005. Uses listed as "permitted uses" not requiring a Use Permit under the Limited Rural Industrial District, with the exception of vehicle and truck repair facilities and recycling collection facilities, are allowed subject to Design Review approval. Design Review shall address visual impacts of site development as viewed from Highway 101. All structures, including reconstruction or replacement structures, shall not exceed a combined footprint of 40,000 square feet, maximum 35 foot building height, and shall otherwise comply with development standards of the M3 (Limited Rural Industrial) Zoning District subject to septic permit compliance. An increase in the number of employees beyond 30 is dependent upon proof of adequate septic capacity and review and approval of a revised Use Permit.

Proposed Rezone  
 From DA B6 20, SR VOH  
 To DA B6 20, SR VOH, LU Policy 14 M

## Base Map Data

- Basezoning by Area
- Urban Service Areas
- Highways
- Intermittent Stream
- Perennial Stream

## Zoning Combining Distirctcs

- LU Policy
- AH Affordable Housing
- HD Historic District
- BR Biotic Resource
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- MR Mineral Resource
- G Geologic Hazard
- F1 Floodway
- F2 Floodplain

File No.: PLP 12-0005  
 APN 086-030-017



0 75 150 Feet

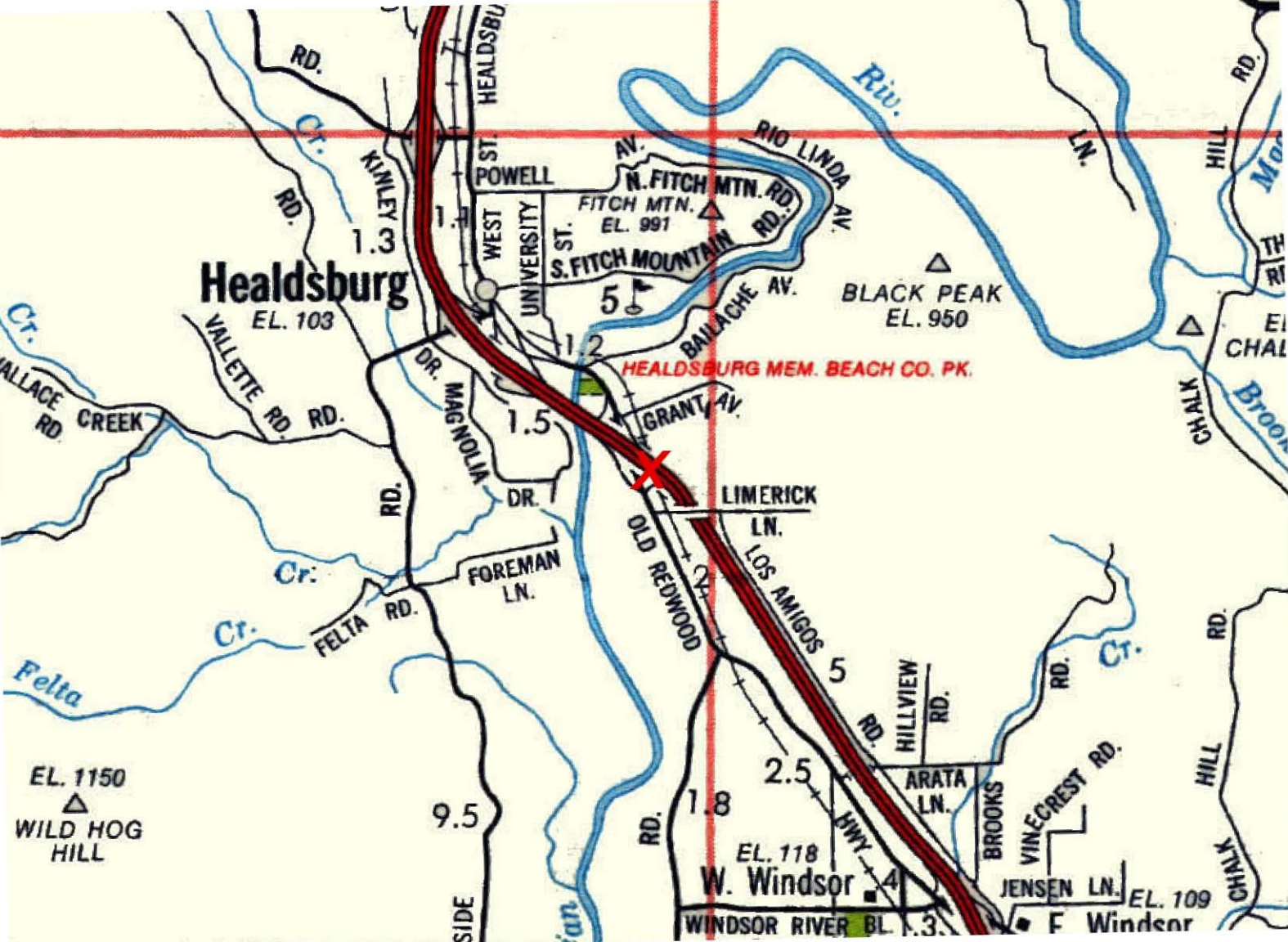
1 inch = 150 feet

Permit and Resource Management Department  
 Project Review Section



2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103





Resolution Number 13-016

County of Sonoma  
Santa Rosa, California

October 17, 2013  
PLP12-0005 Dean Parsons

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE A SITE SPECIFIC GENERAL PLAN PLANNING AREA POLICY, A ZONE CHANGE TO ADD A REFERENCE TO THE SUBJECT SITES'S SITE SPECIFIC PLANNING AREA POLICY, AND A USE PERMIT AS REQUESTED BY NUTRADINE, INC, FOR PROPERTY LOCATED AT 101 GRANT SCHOOL ROAD, HEALDSBURG; APN 086-030-017.

WHEREAS, the applicant, Nutradine, Inc, c/o Paul Butler, filed a application with the Sonoma County Permit and Resource Management Department for a modified Use Permit to allow the diversification and expansion of an existing Spirulina manufacturing facility to allow continued processing and manufacturing of nutraceuticals or nutrient related products from substances not grown on site for pet and fish foods. The expansion includes replacing an existing ±9,700 square foot warehouse building with a new ±20,000 square foot warehouse building and an increase in the number of full-time employees from 9 to 30. Hours of operation remain unchanged, Monday through Saturday, 6:00 a.m. to 10:00 p.m. with most employees arriving between 8:00 a.m. and 5:00 p.m. The request also includes a proposed new General Plan Planning Area Policy to allow continued on-site industrial uses consistent with the development standards of the M3 Zoning District, including an ultimate building foot print of a maximum 40,000 square feet for property. The project also includes a Zone Change to add reference to the subject site's site specific General Plan Planning Area land use policy. The site is located at 101 Grant School Road, Healdsburg; APN 086-030-017; Zoned DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat); Supervisorial District No 4 (the Project@); and

WHEREAS, the project is located within a Community Separator as designated by the Sonoma County General Plan which restricts industrial uses; and

WHEREAS, an Initial Study and Revised Mitigated Negative Declaration was prepared and circulated for public review on September 27, 2013 for the proposed project in accordance with all appropriate laws and guidelines; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on October 17, 2013, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The project is consistent with the Diverse Agriculture General Plan land use and zoning designations, provided that a General Plan Planning Area Policy is approved which limits the project to a relatively minor intensification of the existing pet and fish food production facility to include additional pet/fish food products manufactured from products not grown or produced on site. The Planning Area Policy recognizes that the site is located within the Community Separator but the Community Separator is not compromised because the site is already developed as an industrial site with several structures and a considerable amount of impermeable paved surfaces that is not conducive to intensive farming uses typically found on DA designated lands. The Planning Area Policy shall be applied to the site to restrict future expansion and increased intensity as follows:

*Policy LU-14m: Notwithstanding the existing Diverse Agriculture land use designation of the existing 2.7 acre industrial site identified as Nutradine (APN 086-030-017), continued processing (manufacturing) of nutraceuticals or nutrient related products, including manufacturing of products from substances not grown or raised on site or in the local area and modification to procedures and materials can occur consistent with Use Permit PLP12-0005. Uses listed as "permitted uses" not requiring a Use Permit under the Limited Rural Industrial District, with the exception of vehicle and truck repair facilities and recycling collection facilities, are allowed subject to Design Review approval. Design Review shall address visual impacts of site development as viewed from Highway 101. All structures, including reconstruction or replacement structures, shall not exceed a combined footprint of 40,000 square feet, maximum 35 foot building height, and shall otherwise comply with development standards of the M3 (Limited Rural Industrial) Zoning District subject to septic permit compliance. An increase in the number of employees beyond 30 is dependent upon proof of adequate septic capacity and review and approval of a revised Use Permit.*

2. The project is consistent with General Plan Policies OSRC-1b, OSRC-1f and LU-14b because the proposed project site is already developed similar to an industrial site and the ultimate build out of a maximum of 40,000 square feet to accommodate an expanded pet and fish food product line does not significantly change the physical characteristics or use of the site. Design Review is required as a Condition of Approval to assure that the design, colors and materials of the new structures are compatible with surrounding landscape and screened from Highway 101.
3. The proposed project is consistent with the intent of Ordinance No. 5003 R which discourages revisions to land use designations within community separators established in the Sonoma County General Plan. The restrictions outlined in the above General Plan Planning Area Policy restrict on-site land uses to allow continued production of Spirulina used for pet foods in addition to manufacturing of additional food products not grown or raised on site. The policy addresses visual impacts associated with a maximum ultimate build-out of 40,000 square feet. Design Review of all new structures ensures that adequate landscape screening and building colors and materials blend with surrounding vegetation while minimizing visual impacts from the Highway 101 Scenic Corridor.
4. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this

project, because mitigation measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.

5. The operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The overall industrial character of the site is not changing significantly by the expanded product line and all product manufacturing occurs indoors which limits any noise impacts to adjacent neighbors.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the Board of Supervisors adopt the Mitigated Negative Declaration and approve the request for a site specific General Plan Area Policy, and Use Permit subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Liles, who moved its adoption, seconded by Commissioner Lynch, and adopted on roll call by the following vote:

|                      |     |
|----------------------|-----|
| Commissioner Fogg    | Aye |
| Commissioner Montoya | Aye |
| Commissioner Cook    | Aye |
| Commissioner Liles   | Aye |
| Commissioner Lynch   | Aye |

Ayes: 5      Noes: 0      Absent: 0      Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.





*Sonoma County Combined Planning Commission  
and Board of Zoning Adjustments*  
**DRAFT MINUTES**

Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

Date: October 17, 2013  
Meeting No.: 13-009

**ROLL CALL**

**Commissioners**

Shawn Montoya  
Paula Cook  
Jason Liles  
Tom Lynch  
Dick Fogg, Chair

**Staff Members**

Jennifer Barrett  
Jane Riley  
Traci Tesconi  
Sigrid Swedenborg  
Dean Parsons  
Sue Dahl, Secretary  
David Hurst, Chief Deputy County Counsel

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**1:00 PM** Call to order and Pledge of Allegiance

**Approval of Minutes -**

**Correspondence**

**Planning Commission / Board of Supervisors Actions**

**Commissioner Announcements/Disclosures**

**Public Appearances**

**Items scheduled on the agenda.**

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**PLANNING COMMISSION REGULAR CALENDAR**

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|           |  |           |              |
|-----------|--|-----------|--------------|
| Item No.4 | Time: 2:00 p.m.  | File No.: | PLP12-0005   |
|           | Applicant: Nutradine, Inc.   | Staff:    | Dean Parsons |
|           | Env. Doc: Mitigated Negative Declaraion  |           |              |
|           | Proposal: Request for a modified Use Permit to allow the diversification and expansion of an existing Spirulina manufacturing facility to allow continued processing and manufacturing of nutraceuticals or nutrient related products from substances not grown on site for pet and fish foods. The expansion includes replacing an existing ± 9,700 square foot warehouse building with a new ±20,000 square foot warehouse building and an increase in the number of full-time employees from 9 to 30. Hours of operation remain unchanged, Monday through Saturday, 8:00 a.m. to 5:00 p.m. The request also includes a proposed new General Plan Planning Area Policy to allow continued on-site industrial uses consistent with the development standards of |           |              |

the M3 Zoning District, including an ultimate building foot print of a maximum 40,000 square feet.  
Location: 101 Grant School Road, Windsor  
APN: 086-030-017 Supervisorial District: 4  
Zoning: DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat)

**Dean Parsons** summarized the staff report, which is incorporated herein by reference.

**Questions from Commissioners: Commissioner Montoya** asked if there were any odors generated by the process, and Staff Parsons said he had not noticed any. All the activity is in a building.

**Commissioner Fogg** asked if customers come to the property, and Staff Parsons said they do not. Commissioner Fogg supported the project, but was concerned about setting precedent for sneaky sprawl and advised the commission to be careful.

**Public Hearing Opened:**

**Speakers: Jean Kapolchok, applicant** supported the staff recommendation.

**Public Hearing Closed:**

**Commissioner Liles** said that staff did a good job, and appreciated the creative solution. **Commissioner Montoya** concurred and added that this is a good way to keep the General Plan open to new ideas.

Action: **Commissioner Liles** moved to recommend approval to the Board of Supervisors. Seconded by **Commissioner Lynch** and passed with a 5-0 vote.

Appeal Deadline: n/a  
Resolution No.: 13-016

|           |              |           |            |            |
|-----------|--------------|-----------|------------|------------|
| Fogg: aye | Montoya: aye | Cook: aye | Liles: aye | Lynch: aye |
| Ayes: 5   | Noes: 0      | Absent: 0 | Abstain: 0 |            |

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# Sonoma County Planning Commission STAFF REPORT

## Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

**FILE:** PLP12-0005  
**DATE:** October 17, 2013  
**TIME:** 2:00 p.m.  
**STAFF:** Dean Parsons, Project Planner

**Board of Supervisors hearing will be held at a later date and will be noticed at that time.**

### SUMMARY

**Applicant:** Nutradine, Inc  
**Owner:** 101 Partners  
**Location:** 101 Grant School Road, Healdsburg  
APN: 086-030-017 Supervisorial District No.: 4  
**Subject:** General Plan Amendment, Zone Change to add a Planning Area Policy, and a Use Permit

**PROPOSAL:** Request for a modified Use Permit to allow the diversification and expansion of an existing Spirulina manufacturing facility to allow continued processing and manufacturing of nutraceuticals or nutrient related products from substances not grown on site for pet and fish foods. The expansion includes replacing an existing  $\pm$  9,700 square foot warehouse building with a new  $\pm$ 20,000 square foot warehouse building and an increase in the number of full-time employees from 9 to 30. Hours of operation remain unchanged, Monday through Saturday, 6:00 a.m. to 10:00 p.m. with the majority of employees arriving and leaving from 8:00 a.m. to 5:00 p.m. The request also includes a proposed new General Plan Planning Area Policy to allow continued on-site industrial uses consistent with the development standards of the M3 Zoning District, including a maximum building foot print of 40,000 square feet.

**Environmental Determination:** Mitigated Negative Declaration  
**General Plan:** Diverse Agriculture, 20 acre density  
**Specific/Area Plan:** Not Applicable  
**Land Use:**  
**Ord. Reference:** Chapter 26 (Zoning Code)  
**Zoning:** DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat)

**Application Complete  
for Processing:**

May 9, 2013

**RECOMMENDATION:**

Staff recommends the Planning Commission recommend to the Board of Supervisors the adoption of the Mitigated Negative Declaration and approval of a General Plan Amendment/Zone Change to add a Planning Area Policy, and a Use Permit.

**ANALYSIS**

**Background:**

The subject 2.7 acre property has historically been used as a fruit processing plant and other industrial uses for over 70 years. The plant included a warehouse for fruit storage, a fruit dryer building, a detached office and a caretaker's unit. Several years ago the plant was vacated for fruit processing leaving the old structures in place. On September 24, 2001 Aquadine, Inc. received Use Permit approval to manufacture Spirulina (algae food product) on site. Spirulina is an agricultural product cultivated in ponds inside the existing warehouse and then dried for use in fish food supplements. The 2002 Use Permit application was considered consistent with the Diverse Agricultural land use/zoning designation due to onsite Spirulina cultivation.

**Project Description:**

Nutradine proposes to expand their existing manufacturing operation by utilizing various substances, in addition to those produced on-site or in Sonoma County, in the processing and manufacturing of an expanded line of nutrient related products, at present, pet and fish food. Due to the current DA zoning designation, the current Use Permit allows production of Spirulina on-site but does not permit manufacturing or food processing with products grown outside the local area. In addition to continued production of Spirulina on-site, Nutradine's proposed new product lines require the use of materials that are not locally grown or grown on site and include other nutritionally based chemical compounds imported to the site.

Salmon analogs are a new product which is made primarily of salmon-meal. This product is used to help bring back Salmon runs in California, Oregon, Washington and other parts of the U.S and the world. Other products include specialty food products for animals in zoos and those on the endangered species list as well as fish food for tropical and pond fish. Raw materials required for the various pet/fish foods includes, but are not limited to, oats, corn and other grain products, fish-meal, fish and vegetable oils, and herbs in powdered forms.

Expansion of the product line also requires expansion of the existing on-site facilities, including replacement of an existing 9,700+/- square foot warehouse building with a new 20,000+/- square foot building and an increase in the number of full-time employees from 9 to 30. The application includes decommissioning the existing caretaker residence to utilize the existing on-site septic system and provide additional septic capacity for the increase in number of employees. Hours of operation remain unchanged, Monday through Saturday, 6:00 a.m. to 10:00 p.m. with the majority of employees arriving and leaving from 8:00 a.m. to 5:00 p.m.

The site's Diverse Agriculture General Plan land use and zoning designations restricts processing of products only to those grown on-site or in the local area. Nutradine's new product lines necessitate the use of materials that are not locally grown but are imported to the site. To achieve General Plan and Zoning consistency, the application includes a General Plan Amendment to add a new parcel-specific General Plan Planning Area Policy to allow the proposed expanded product line plus the ability to allow some flexibility for future business expansion (see Issue #1 below).

**Site Characteristics:**

The subject property is improved with a 9,700 sq. ft. warehouse, 1,500 sq. ft. office building, 1,000 sq. ft. caretaker's unit, 960 sq. ft. garage, a 1,200 sq. ft. storage building, scales and a well house. The northern portion of the property contains the site's existing septic system and leach field.

**Surrounding Land Use and Zoning:**

The project site is located southwest of the Highway 101 corridor adjacent to existing railroad tracks. Sites surrounding the subject site are also zoned (DA) Diverse Agriculture, B6-20 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat), and land uses include a nursery to the north, Highway 101 to the east, a cabinet manufacturing business/warehouse and residential uses to the south, and residential and vineyard to the west.

**DISCUSSION OF ISSUES**

**Issue #1:** General Plan/Zoning Consistency

The current land use designation for the site is DA 10 acre density. The purpose of the DA land use designation is to:

*"Enhance and protect those land areas where soil, climate, and water conditions support farming but where small acreage intensive farming and part time farming activities are predominant. In these areas, farming may not be the principal occupation of the farmer. The primary purpose of this category is to protect a full range of agricultural uses and to limit further residential intrusion consistent with the policies of the Agricultural Resources Element."*

The existing Spirulina and fish food manufacturing use is considered agricultural because Spirulina is grown and processed on site consistent with the Diverse Agricultural land use designation. The applicant proposes continued Spirulina production with added diversification of their product line to include additional fish and pet food products produced with various food ingredients imported to the site. As indicated above, the site has an approximate 70-year history of fruit processing consistent with the Diverse Agriculture land use designation supporting agricultural production and agricultural support services. During this time no traditional crops or animals have been raised on the site. The proposed new 20,000 square foot replacement structure would be constructed in an area of the site that is already developed. The new structure will not displace any existing agricultural use but it will allow continued Spirulina production with expanded fish/pet food production.

General Plan Policies OSRC-1b, OSRC-1f and LU-14b apply to the project as follows:

*"Policy OSRC-1b: Avoid commercial or industrial uses in Community Separators other than those that are permitted by the agricultural or resource land use categories.*

*"Policy OSRC-1f: Unless there are existing design guidelines that have been adopted for the affected area, require that new structures within Community Separators meet the following criteria:*

- (1) Site and design structures to take maximum advantage of existing topography and vegetation in order to substantially screen them from view from public roads.*
- (2) Minimize cuts and fills on hills and ridges.*
- (3) Minimize the removal of trees and other mature vegetation; avoid removal of specimen trees, tree groupings, and windbreaks.*
- (4) Where existing topography and vegetation would not screen structures from view from public roads, install landscaping consisting of native vegetation in natural groupings that*

*fits with the character of the area in order to substantially screen structures from view. Screening with native, fire retardant plants may be required.*

*(5) Design structures to use building materials and color schemes that blend with the natural landscape and vegetation.*

*(6) To the extent feasible, cluster structures on each parcel within existing built areas, and near existing natural features such as tree groupings.*

*(7) Utilities are underground where economically practical.*

*(8) On hills and ridges, avoid structures that project above the silhouette of the hill or ridge against the sky as viewed from public roads, and substantially screen driveways from view where practical.*

*"Exempt agricultural accessory structures proposed on parcels in the Diverse Agriculture, Land Extensive Agriculture, Land Intensive Agriculture, and Resources and Rural Development land use categories, and on parcels in the Rural Residential land use category with Agriculture and Residential (AR) Zoning, from this policy if their use does not require a use permit in the Development Code. If compliance with these standards would make a parcel unbuildable, site structures where minimum visual impacts would result."*

*"Policy LU-14b: Avoid additional "Limited Industrial" and "Limited Commercial" designations outside Healdsburg and Windsor."*

The site is located within the Windsor-Healdsburg Community Separator. The General Plan describes Community Separators as follows:

*"lands that function as rural open space to separate cities, to contain urban development, and provide city and community identity by providing visual relief from continuous urbanization. As Community Separators are rural areas that have open space characteristics, many of these areas are also scenic. The lands within Community Separators are frequently subject to pressure for development because they are close to developed areas and major roads."*

As described above, the site has historically been used for fruit processing for approximately 70 years, and more recently Spirulina processing since 2002. The site's development has long-standing industrial characteristics including a 10,000+/- sq. ft. warehouse and a former 9,700+/- sq. ft. fruit dryer building, storage buildings and an office with no field grown crops or housing of livestock that is characteristic of most DA designated properties. The project includes continued Spirulina processing with an expansion of other animal/fish products which will not substantially change the site's historic use or appearance. This relatively modest expansion will not be visible from Old Redwood Highway but portions are visible from Hwy 101. The aesthetic issues associated with additional on-site development can be mitigated with a condition to require Design Review for all new construction, a building height limit of 35 feet, and a requirement for landscape screening.

A proposed General Plan Planning Area policy is required to achieve General Plan and Zoning consistency by recognizing the current Diverse Agriculture land use designation but also allowing expansion of the existing use up to a maximum of 40,000 square feet. The project is not expected to degrade the visual quality of the Community Separator and is in keeping with the above Policies OSRC-1b, OSRC-1f and LU-14b.

Staff supports the proposed site specific General Plan Planning Area Policy to recognize the existing industrial nature of the site and allow the relatively minor intensification of the use, including the proposed new structure and expanded fish and animal food production as follows:

*Policy LU-14m: Notwithstanding the existing Diverse Agriculture land use designation of the existing 2.7 acre industrial site identified as Nutradine (APN 086-030-017), continued processing (manufacturing) of nutraceuticals or nutrient related products, including manufacturing of products from substances not grown or raised on site or in the local area and modification to procedures and*

*materials can occur consistent with Use Permit PLP12-0005. Uses listed as "permitted uses" not requiring a Use Permit under the Limited Rural Industrial District, with the exception of vehicle and truck repair facilities and recycling collection facilities, are allowed subject to Design Review approval. Design Review shall address visual impacts of site development as viewed from Highway 101. All structures, including reconstruction or replacement structures, shall not exceed a combined footprint of 40,000 square feet, maximum 35 foot building height, and shall otherwise comply with development standards of the M3 (Limited Rural Industrial) Zoning District subject to septic permit compliance. An increase in the number of employees beyond 30 is dependent upon proof of adequate septic capacity and review and approval of a revised Use Permit.*

**Public Benefit:**

The expansion of Nutradine will result in an increase in the number of local jobs from 9 to 30, while filling a very unique niche market that provides specialized fish/animal products that includes nutritional supplements for threatened or endangered species. The proposed General Plan Area Policy and Use Permit modification will allow a unique business to expand its product line and continue operating in the County while providing employment for local citizens.

**Issue #2:** Use Permit

The applicant proposes to modify the current Use Permit to allow the expanded Nutradine product line which includes continued manufacturing of Spirulina and the expanded line of fish/pet food products manufactured from ingredients not necessarily grown or raised on site or in the local area. By providing flexibility in the various ingredients used in the production of fish/pet food products the business can adapt to advances in technology and/or product development and demand.

Consistent with the proposed General Plan Area Policy, recommended Use Permit conditions of approval allow the proposed business expansion, and limit on-site development to a maximum of 40,000 sq. ft. of building area subject to the development standards of the M3 zoning district, including setback standards and a maximum permitted lot coverage of 50%. The Use Permit also allows an increase from 22 to 30 employees which corresponds to the existing septic system's capacity. Any future use of the property must conform to the uses specified as "Permitted Uses" in the M3 District which include cabinet shops, a bakery, electrical, plumbing and heating shops. Vehicle and truck repair, and recycling collection facilities are prohibited to assure neighborhood compatibility.

To assure consistency with Community Separator standards and those of the Scenic Resource overlay district, conditions of approval require Design Review of new construction on the site. Building heights are limited to a maximum of 35 feet and landscape screening will be required to screen the site from Highway 101. Colors and materials for any new structures will be included in Design Review and are required to blend with surrounding vegetation.

The site cannot accommodate 30 standard parking spaces, as required by the Zoning Code. The project includes a requirement for "tandem" parking. Employees will park tandem, which is feasible at this site because employees come and go at the same time every day and do not leave the site for lunch or breaks. Additionally, no customers are coming and going to this site so the business can manage employee parking on-site. The project also includes a condition requiring eight bicycle parking spaces which will encourage employees to bike to work.

**Issue #3:** Traffic/Circulation

The project is located on Grant School Road adjacent to Old Redwood Highway, which is designated as an "Urban Principle Arterial" roadway and Class II bikeway. The project is expected to generate an average of 51 new trips on a daily basis, including 10 trips during the morning peak hour and 10 trips during the evening peak hour. The majority of these trips are attributed to the increase in the number of employees from 9 to 30. At full production, truck traffic is anticipated to be one semi with a 40 foot trailer

per day, five days per week for delivery of supplies, raw materials and some shipments. Ancillary supplies and shipments are estimated to require three additional FedEx/UPS type truck trips per day. Employees are limited to a 30 minute lunch so most employees will remain on site throughout the day.

A Traffic Study was prepared for the project by W-trans to assess the potential increase in traffic and possible impacts on safety and the existing road network. The Traffic Study gave special attention to the required turning radius of the Old Redwood Highway/Grant School Rd. intersection. The intersection was videotaped to determine the ability of large trucks to complete the necessary maneuvers within the available pavement. Based on review of the video, the trucks were able to stay within the designated lane on Old Redwood Highway and a small portion of the dirt shoulder along the southeast corner of the intersection to complete the turn on to Grant School Rd. Grant School Rd. has an extremely low traffic volume which will allow trucks to use the full width, if necessary.

The Traffic Study concluded that the existing road network will adequately accept the additional trips and turning movements required by the proposed project and will not increase safety hazards to other vehicles or bicycles. The Department of Transportation and Public Works has reviewed the Traffic Study and concurs with the conclusions. No additional traffic conditions or mitigations are required.

**Issue #4:** Neighborhood Compatibility

Agricultural and residential uses are typically the most sensitive to industrial/processing land uses. On this particular site processing occurs entirely within buildings, with no resulting environmental or hazardous waste. As conditioned, permitted uses in the M3 zoning district are allowed on-site with the exception of truck repair and recycling facilities to help ensure compatibility with surrounding land uses. The Mitigated Negative Declaration prepared for the project found that there would be no adverse impacts to adjacent residential uses in terms of noise or traffic.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend that the Board of Supervisors adopt the Mitigated Negative Declaration and approve the request for a General Plan Planning Area Policy, a Zone Change to add the Area Policy, and a Use Permit.

**FINDINGS FOR RECOMMENDED ACTION**

1. The project is consistent with the Diverse Agriculture General Plan land use and zoning designations, provided that a General Plan Planning Area Policy is approved which limits the project to a relatively minor intensification of the existing pet and fish food production facility to include additional pet/fish food products manufactured from products not grown or produced on site. The Planning Area Policy recognizes that the site is located within the Community Separator but the Community Separator is not compromised because the site is already developed as an industrial site with several structures and a considerable amount of impermeable paved surfaces that is not conducive to intensive farming uses typically found on DA designated lands. The Planning Area Policy shall be applied to the site to restrict future expansion and increased intensity as follows:

*Policy LU-14m: Notwithstanding the existing Diverse Agriculture land use designation of the existing 2.7 acre industrial site identified as Nutradine (APN 086-030-017), continued processing (manufacturing) of nutraceuticals or nutrient related products, including manufacturing of products from substances not grown or raised on site or in the local area and modification to procedures and materials can occur consistent with Use Permit PLP12-0005. Uses listed as "permitted uses" not requiring a Use Permit under the Limited Rural Industrial District, with the exception of vehicle and truck repair facilities and recycling collection facilities, are allowed subject to Design Review approval. Design Review shall address visual impacts of site development as viewed from Highway 101. All structures, including reconstruction or replacement structures, shall not exceed a combined footprint of 40,000 square feet, maximum 35 foot building height, and shall otherwise*



*comply with development standards of the M3 (Limited Rural Industrial) Zoning District subject to septic permit compliance. An increase in the number of employees beyond 30 is dependent upon proof of adequate septic capacity and review and approval of a revised Use Permit.*

2. The project is consistent with General Plan Policies OSRC-1b, OSRC-1f and LU-14b because the proposed project site is already developed similar to an industrial site and the ultimate build out of a maximum of 40,000 square feet to accommodate an expanded pet and fish food product line does not significantly change the physical characteristics or use of the site. Design Review is required as a Condition of Approval to assure that the design, colors and materials of the new structures are compatible with surrounding landscape and screened from Highway 101.
3. The proposed project is consistent with the intent of Ordinance No. 5003 R which discourages revisions to land use designations within community separators established in the Sonoma County General Plan. The restrictions outlined in the above General Plan Planning Area Policy restrict on-site land uses to allow continued production of Spirulina used for pet foods in addition to manufacturing of additional food products not grown or raised on site. The policy addresses visual impacts associated with a maximum ultimate build-out of 40,000 square feet. Design Review of all new structures ensures that adequate landscape screening and building colors and materials blend with surrounding vegetation while minimizing visual impacts from the Highway 101 Scenic Corridor.
4. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because mitigation measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
5. The operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The overall industrial character of the site is not changing significantly by the expanded product line and all product manufacturing occurs indoors which limits any noise impacts to adjacent neighbors.

#### **LIST OF ATTACHMENTS**

- EXHIBIT A: Draft Conditions of Approval  
EXHIBIT B: Draft Ordinance and Sectional District Map  
EXHIBIT C: Revised Proposal Statement dated September, 2013  
EXHIBIT D: Vicinity Map  
EXHIBIT E: General Plan Land Use Map  
EXHIBIT F: Zoning Maps (2)  
EXHIBIT G: Arial Photo  
EXHIBIT H: Site Plan  
EXHIBIT I: Photos of Storage Buildings (2)  
EXHIBIT J: Ordinance No. 5003 R – Measure D  
EXHIBIT K: Letter from United States Department of Commerce NOAA dated January 31, 2013  
EXHIBIT L: Draft Resolution

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**Separate Attachment for Commissioners:** Mitigated Negative Declaration including Special Studies

**DRAFT CONDITIONS OF APPROVAL  
EXHIBIT A**

**Date:** October 17, 2013                      **File No.:** PLP12-0005  
**Applicant:** Nutradine Inc. & 101 Partners                      **APN:** 086-030-017  
**Address:** 101 Grant School Road, Healdsburg

**Project Description:** Request for a modified Use Permit to allow the diversification and expansion of an existing Spirulina manufacturing facility to allow continued processing and manufacturing of nutraceuticals or nutrient related products from substances not grown on site for pet and fish foods. The expansion includes replacing an existing  $\pm$  9,700 square foot warehouse building with a new  $\pm$ 20,000 square foot warehouse building and an increase in the number of full-time employees from 9 to 30. Hours of operation are Monday through Saturday, 6:00 a.m. to 10:00 p.m., with the majority of employees arriving and leaving between 8:00 and 5:00 p.m. The request also includes a proposed new General Plan Planning Area Policy to allow continued on-site industrial uses consistent with the development standards of the M3 Zoning District, including an ultimate building foot print of a maximum 40,000 square feet.

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**Prior to commencing the use, evidence must be submitted to the file that all of the following non-operational conditions have been met.**

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,156.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a total of **\$2,206.25 made payable to Sonoma County Clerk** and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

**BUILDING:**

2. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
3. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.
4. The business operator shall post a sign that includes the phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.

**HEALTH:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

**PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:**

**Water:**

5. Prior to building permit issuance and vesting the Use Permit, the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the

2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

If the applicant has been required to do a cross-connection control survey by the California Department of Public Health, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

6. Prior to building permit issuance and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
7. Prior to the issuance of building permits and vesting the Use Permit, the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Department of Public Health, Office of Drinking Water if more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Department of Public Health in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
8. If a Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required.
9. Prior to the issuance of any building permit and vesting the Use Permit, an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

10. Application for a renewed waiver to wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board for the generation of any process wastewater. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.
11. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist

regarding the existing septic system's ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel.

Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis, groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

Vector Control:

12. A Rat and Fly Control Plan shall be submitted prior to the construction and prior to vesting the Use Permit. Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) may be consulted for additional information. The Project Review Health Specialist shall receive and review a copy of the Rat and Fly Control Plan.

PRIOR TO OCCUPANCY:

Water:

13. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the PRMD Project Review Health Specialist.

OPERATIONAL REQUIREMENTS:

Water:

14. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
15. A safe, potable water supply shall be provided and maintained.
16. The location of the well, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
17. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.

Septic:

18. Maintain the Annual Operating Permit for any package treatment plant, alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.

19. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system. The current septic system is designed for 450 gallons per day and can accommodate a maximum of 30 persons per day, including all job descriptions, owners and officers and including all shifts in a given day.
20. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.

Hazardous Materials:

21. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (Hazardous Materials Handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.

Noise:

22. Noise shall be controlled in accordance with Table NE-2 as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

| Hourly Noise Metric <sup>1</sup> , dBA  | Daytime<br>(7 a.m. to 10 p.m.) | Nighttime<br>(10 p.m. to 7 a.m.) |
|---|--------------------------------|----------------------------------|
| L50 (30 minutes in any hour)  | 50                             | 45                               |
| L25 (15 minutes in any hour)  | 55                             | 50                               |
| L08 (4 minutes and 48 seconds in any hour)  | 60                             | 55                               |
| L02 (72 seconds in any hour)  | 65                             | 60                               |
| <sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 72 seconds in any hour. |                                |                                  |

23. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Solid Waste:

24. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

Smoking:

25. Smoking is prohibited in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code.
26. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

**TRANSPORTATION AND PUBLIC WORKS:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

27. Prior to issuance of a building permit for any new building or prior to any new use of an existing building, the applicant shall pay Traffic Mitigation fees to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.

**FIRE AND EMERGENCY SERVICES:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

28. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building sites), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
29. The PRMD shall review all building construction plans for compliance with the Sonoma County Fire Safe Standards.

**PLANNING:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

30. This Use Permit authorizes continued processing (manufacturing) of nutraceuticals or nutrient related products for fish and pet foods, including manufacturing of products from substances not grown or raised on site or in the local area. Land uses listed as "permitted uses" not requiring a Use Permit under the M3 (Limited Rural Industrial District), with the exception of vehicle and truck repair facilities and recycling collection facilities, are allowed on-site subject to Design Review approval. Structures allowed to remain on the property include a 1,500 square foot office building, a 10,000+/- square foot warehouse, 1,000 square foot caretaker's unit to be converted to non-residential use, a 1,200 square foot storage building, scales and well house. This Use Permit allows the existing 9,700+/- square foot structure is to be replaced with a 20,000 square foot building. All on-site structures, including reconstruction or replacement structures, shall not exceed a combined footprint of 40,000 square feet, maximum 35 foot building height, and shall otherwise comply with development standards of the M3 (Limited Rural Industrial) Zoning District. The permitted hours of operation are Monday through Saturday, 6:00 a.m. to 10:00 p.m. with the majority of employees arriving and departing between 8:00 a.m. and 5 p.m. Any future increase in the number of employees beyond 30 is dependent upon proof of adequate septic capacity and review and approval of a revised Use Permit. The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP12-0005 as modified by these conditions.
31. Prior to vesting of the Use Permit, commencement of the expansion, and final occupancy of the first new structure, a building permit application shall be submitted for the decommissioning of the

caretaker unit into an office or other non-residential use, and a separate building permit shall be submitted to legalize the 1,200 square foot storage structure constructed on the southwestern portion of the site. The later building permit will be subject to Workforce Housing Fees. No other new or remodeled buildings shall receive occupancy until the unpermitted storage building and converted caretaker unit are issued Final Occupancy from PRMD-Building Division.

32. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
33. Prior to building permit issuance for any new structures, a professionally prepared Design Review application, including landscape, lighting and building design plans shall be submitted for Design Review Board review and approval. The application shall include landscape screening to aide in screening the site and associated development from Highway 101. The landscape species and landscape plan shall ensure there will be no impact to the existing septic system and leach field. The Design Review process shall include review of colors and materials that blend with surrounding vegetation and minimize visual impacts as viewed from Highway 101.

Mitigation Monitoring: Prior to issuance of a final occupancy permit, PRMD shall inspect the site to ensure compliance with approved landscape plans.

34. Prior to building permit Issuance a landscape permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091. <http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>.
35. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review (by PRMD or Design Review Committee). Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut of automatically after closing and security lighting shall be motion sensor activated. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ1 for dark areas, LZ2 for rural, LZ3 for urban) standards from Title 24 effective October 2005.
36. The applicant shall maintain a minimum of 30 tandem parking spaces on-site to serve the industrial use subject to review and approval by PRMD through the Design Review process. An additional three regular parking spaces shall be retained for visitor parking. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
37. The applicant shall install eight bicycle parking rack spaces. The bike racks shall be installed prior to issuance of the Use Permit Operational Certificate. A bike rack is defined as a securely mounted stand or other device constructed so as to enable the user to secure the bicycle by locking the frame and at least one wheel. Racks must be easily usable with both U-locks and cable locks. Racks must hold bicycles in a stable upright position and support bicycles so they resist falling over when bumped. Racks supporting a bike by wheel only, such as standard 'wire racks', are not acceptable. Racks must hold bikes with at least two points of contact and consistent with Bicycle Parking Guidelines prepared by the Association of Pedestrian and Bicycle Professionals (<http://www.bicyclinginfo.org/pdf/bikepark.pdf>)
38. This Use Permit (PLP12-0005) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
39. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any

applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.

40. At the time of submitting a building permit application, the applicant shall submit to PRMD a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.
41. Construction activities for this project shall be restricted as follows:
  - a. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on Saturdays. No construction work shall occur on Sundays or holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
  - b. There will be no start up of machines or equipment prior to 7:00 a.m., Monday through Friday or 9:00 a.m. on Saturdays; no delivery of materials or equipment prior to 7:00 a.m. or past 7:00 p.m., Monday through Friday or prior to 9:00 a.m. or past 7:00 p.m. on Saturdays. There shall be no servicing of equipment past 7:00 p.m., Monday through Friday. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.

Mitigation Monitoring: All contractors and sub-contractors shall be notified of the hours of operation.

42. The project proponent shall comply with all applicable wastewater treatment requirements of the North Coast Region Regional Water Quality Control Board.

Mitigation Monitoring: The on-site wastewater system shall be subject to periodic monitoring. The results of said reports shall be submitted to PRMD.

43. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
44. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.
45. In the event that human remains are unearthed during construction, PRMD and the County Coroner shall be notified to investigate the nature and circumstances of the discovery. At the time of discovery, work in the immediate vicinity shall cease until the Coroner permits work to proceed. If the remains were determined to be prehistoric, the find shall be treated as an archaeological site and an archaeologist as well as all other appropriate agencies shall be contacted.
46. All building and/or grading permits shall have the following note printed on plan sheets:

"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing



activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."

Mitigation Monitoring: Building/grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans.

47. Customer and Site Visitor Management. The operator of the establishment shall take all reasonable steps, including contacting law enforcement in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, parking areas under the control of the operator, and other public or quasi-public areas within site of the premises during business hours.
48. Trash, Litter, and Graffiti.
  - a. At least twice a week, the operator of the establishment shall remove trash, litter, and debris from the sidewalks adjoining the premises plus 10 feet beyond property lines as well as any parking lots under the control of the operator.
  - b. The operator of the establishment shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.
  - c. Trash can only be disposed in exterior dumpsters between the hours of 8:00 a.m. and 8:00 p.m.
49. The following dust control measures will be incorporated into the project:
  - a. Water or other dust palliative will be applied to unpaved portions of the conversion area, unpaved roads, parking areas, staging areas and stockpiles of soil daily as needed to control dust.
  - b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
  - c. Paved roads will be swept as needed to remove any visible soil that has been carried onto them from the project site.
50. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.

51. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
52. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

53. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if:  
(a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

**ORDINANCE NO.**

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE IN SECTION 26-02-110 OF THE SONOMA COUNTY CODE, TO INCLUDE ADOPTION OF A GENERAL PLAN PLANNING AREA POLICY THAT APPLIES SOLELY TO THE SUBJECT 2.7 ACRES LOCATED AT 101 GRANT SCHOOL ROAD, HEALDSBURG; APN 086-030-017.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by adoption of a General Plan Planning Area Policy for 2.7 acres located at the end of Grant School Road off of Old Redwood Highway, also known as 101 Grant School Road, Healdsburg; APN 086-030-017; File No. PLP12-0005. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No. \_\_\_\_\_.

SECTION II: an Initial Study and Mitigated Negative Declaration was prepared and circulated for public review on September 27, 2013 for the proposed project in accordance with all appropriate laws and guidelines; and

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

SECTION IV: This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

|        |          |           |          |          |
|--------|----------|-----------|----------|----------|
| Gorin: | McGuire: | Carrillo: | Zane:    | Rabbitt: |
| Ayes:  | Noes:    | Absent:   | Abstain: |          |

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

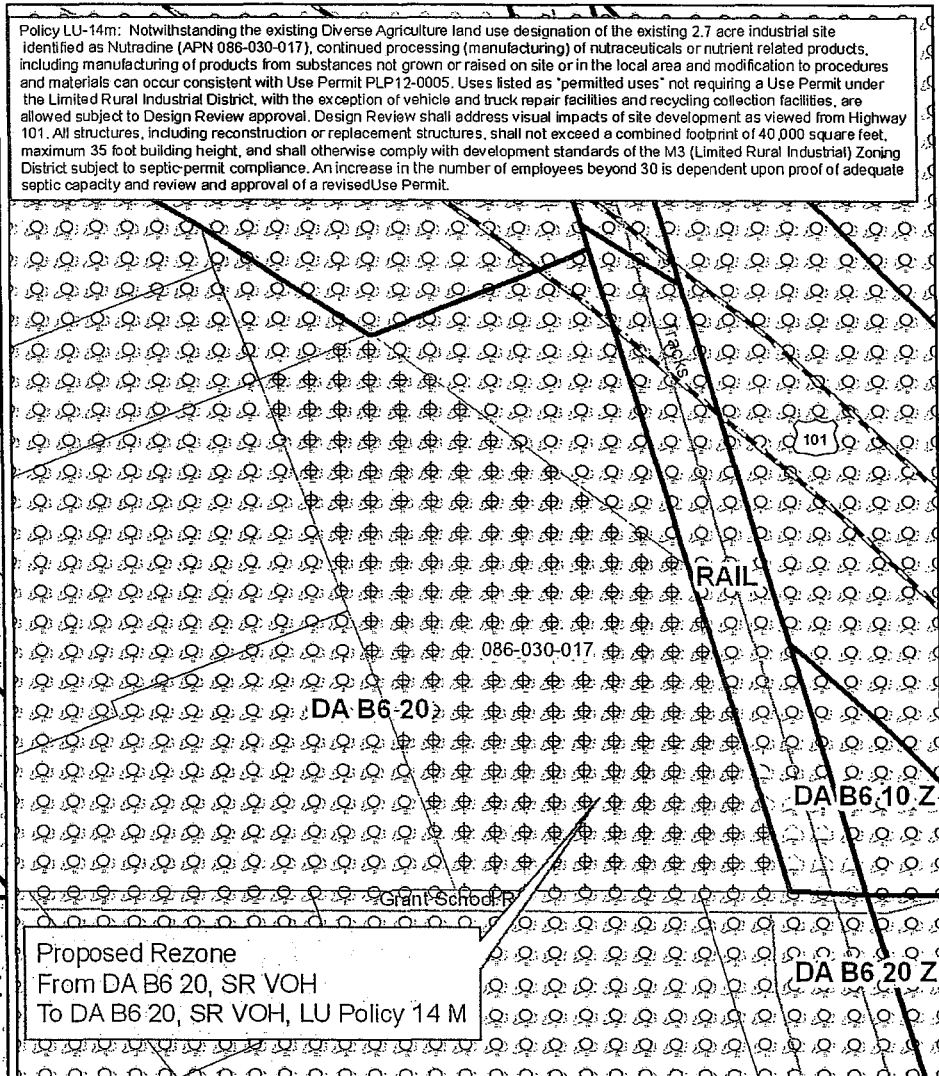
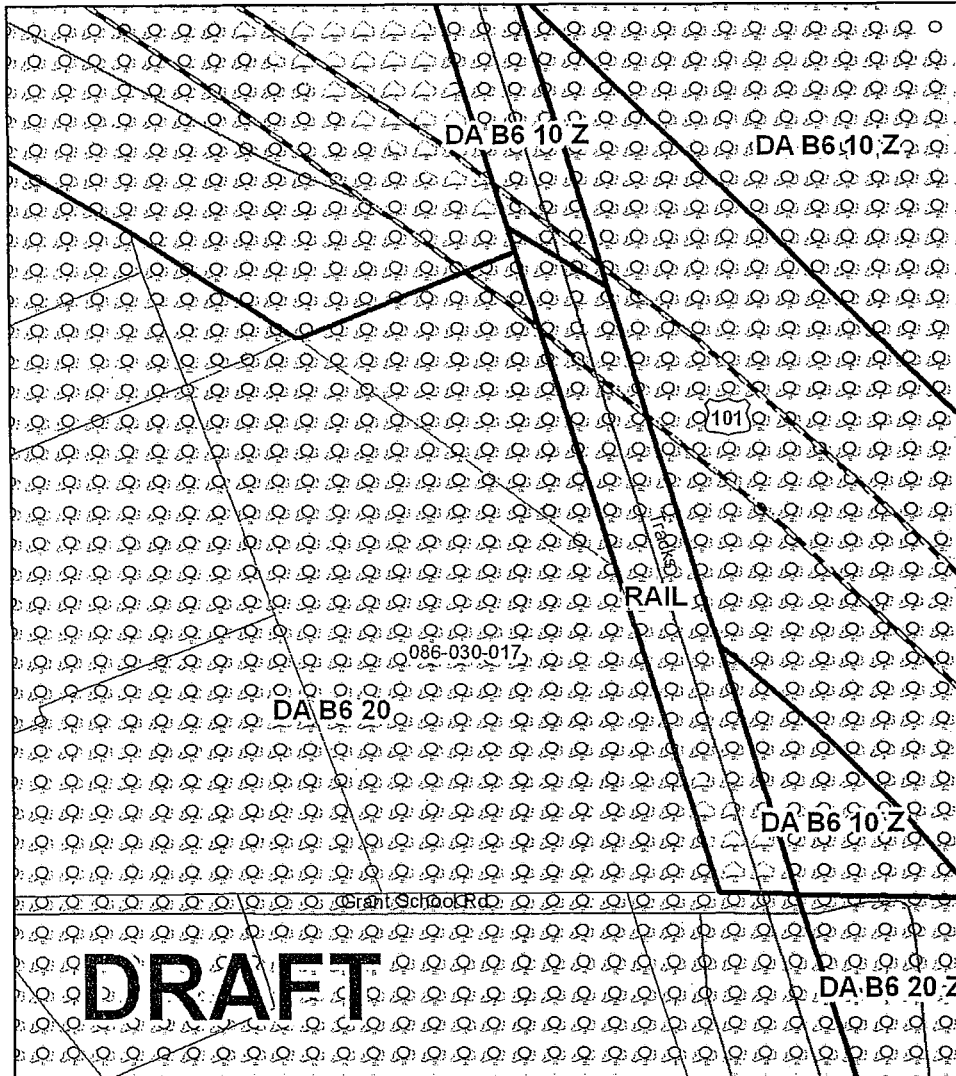
\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

**ATTEST:**

\_\_\_\_\_  
Veronica A. Ferguson  
Clerk of the Board of Supervisors

# Existing Zoning

# Proposed Zoning



|                      |                     |                                   |                       |  |                        |
|----------------------|---------------------|-----------------------------------|-----------------------|--|------------------------|
| <b>Base Map Data</b> |                     | <b>Zoning Combining Distrcits</b> |                       |  |                        |
|                      | Basezoning by Area  |                                   | LU Policy             |  | SD Scenic Design       |
|                      | Urban Service Areas |                                   | AH Affordable Housing |  | SR Scenic Resource     |
|                      | Highways            |                                   | HD Historic District  |  | VOH Valley Oak Habitat |
|                      | Intermittent Stream |                                   | BR Biotic Resource    |  | MR Mineral Resource    |
|                      | Perennial Stream    |                                   |                       |  | G Geologic Hazard      |
|                      |                     |                                   |                       |  | F1 Floodway            |
|                      |                     |                                   |                       |  | F2 Floodplain          |

File No.: PLP 12-0005  
APN 086-030-017

0 75 150 Feet  
1 inch = 150 feet

Permit and Resource Management Department  
Project Review Section  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1965 Fax (707) 565-1103



**J. Kapolchok  
+ Associates**

Land Use Planning  
Urban Design

**PROPOSAL STATEMENT**

General Plan Special Area Policy

Use Permit

Nutradine, Inc.

September 2013

|                      |  |
|----------------------|--|
| <b>Applicant:</b>    | Nutradine, Inc.  |
| <b>Consultants</b>   | J. Kapolchok & Associates  |
| <b>Owner:</b>        | 101 Partners   |
| <b>Contact:</b>      | Paul Butler  |
| <b>Location:</b>     | 101 Grant School Road<br>Healdsburg, CA  |
| <b>APN:</b>          | 086-030-017  |
| <b>Site Size:</b>    | ±2.706 ac.   |
| <b>General Plan:</b> | Diverse Agriculture/20<br>Scenic Corridor; Community Separator   |
| <b>Zoning:</b>       | DA-B6-20-SR-VOH  |
| <b>Proposal:</b>     | Addition of General Plan special area policy LU-14m for the Healdsburg and Environs planning area to allow diversification and expansion of an existing manufacturing facility and a Use Permit for the expanded facility. |

**PROJECT DESCRIPTION**

Nutradine, Inc. (formerly known as Aquadine, Inc), proposes to expand their existing manufacturing operation. This business expansion will require the use of various substances, in addition to those produced on-site or in Sonoma County, in the processing and manufacturing of an

843 Second Street  
Santa Rosa, CA 95404  
TEL: 707.526.8939  
FAX: 707.526.8985

expanded line of nutrient related products, at present, pet and fish food. The site's DA zoning district restricts manufacturing to products grown on site or in the local area. Nutradine's new product line(s) necessitates the use of materials that are not locally grown. Therefore, the addition of a parcel specific area policy to the General Plan is required as well as a revised Use Permit.

### **Location**

Nutradine, Inc. is located within the Healdsburg and Environs General Plan Planning area. The ±2.7-acre parcel, which is separated from the city limits of Healdsburg by State Highway 101, is accessed from Grant School Road. The property address is 101 Grant School Road in Healdsburg.

### **Historic and Existing Uses**

Historically, the property was used as a fruit processing plant, which was in operation for approximately 50 years. In 2001, a Use Permit (UPE01-0116) was granted to the existing owners for Aquadine, now a subsidiary of Nutradine, to grow and process Spirulina and manufacture nutrient based products, primarily for fish food.

The subject property is improved with a warehouse, dryer building, office building, restroom facility, caretaker's unit, garage, two storage buildings and a well house.

### **Surrounding Land and Land Uses**

The project site is designated Diverse Agriculture/20 in the Sonoma County General Plan land use element and is along the Highway 101 Scenic Corridor and within the Windsor/Healdsburg Community Separator in the open space element. The site is zoned DA-B6-20-SR-VOH. Surrounding land uses include a nursery to the north, an industrial tank and cabinet manufacturing business and residential/farm worker housing to the south, NWPRR tracks and US Highway 101 to the east and residential and vineyard development to the west.

### **Use Permit**

Purpose: To allow the continued processing and manufacturing of nutraceuticals or nutrient related products from substances not necessarily grown or raised on site or in the local area. To further allow modification to procedures and materials due to advances in technology and/or product development and demand.

Products: The use involves the manufacturing of pet and fish foods and nutraceuticals. A line of products is made using Spirulina, which is grown on site, as well as other nutritionally based chemical compounds, which are imported. Salmon analogs, which are made primarily of salmon-meal will also be produced. This product is used to help bring back the salmon runs in California, Oregon, Washington as well as other parts of the country and the world. Specialty foods for animals in zoos and those on the endangered species list as well as fish food for tropical and pond fish, both domestically and internationally, will be produced.

The raw materials include, but are not limited to, oats, corn and other grain products, fish-meal, fish and vegetable oils, and herbs in powdered forms, many of which are grown locally.

Traffic: At full production with 30 employees, traffic is anticipated to be one semi with a 40 ft. trailer per day, 5 days per week for delivery of supplies, raw materials and some shipments. Ancillary supplies and shipments are estimated to require three additional FedEx/UPS type truck trips per day. Because lunch is limited to 30 minutes, there will be a limited number of employees leaving the site during the day.

Operations: There are currently 9 employees. The number of employees is anticipated to increase to 20 with the expanded product line and reach 30 in an approximate two-year period.

Hours of operation are Monday through Saturday 8:00am to 5:00pm.

Septic capacity: The existing septic system has the capacity for 22 employees and a full-time caretaker. In order to satisfy the septic demands for 30 employees, the caretakers unit will be converted to a non-residential use or removed. The conversion or removal of the caretaker's unit will permit sufficient capacity for an additional eight (8) employees.

Structures: There are currently six buildings on site. All of the buildings except the storage building in the southeast corner of the site have been on the site for many years. The storage building was constructed without benefit of permit due to an urgent need to provide on-site storage for materials that were used on a day-to-day basis. It is the intention of the applicants to secure all necessary permits upon action on the requested applications.

The approximate size and use of the existing buildings are:

- Warehouse: ±10,000 sq. ft. - warehousing and manufacturing
- Dryers/Storage: ±9,700 sq. ft. - primarily manufacturing, some storage
- Garage: ±960 sq. ft. - miscellaneous storage
- Office: ±1,500 sq. ft. - office/administration
- Caretaker: ±1,000 sq. ft. - restrooms and caretaker's unit
- Storage: ±1,200 sq. ft. - storage

Upon approval of the requested applications, it is the intention of the applicants to replace the dryer/storage and garage building with a new industrial-type metal building at some point in the immediate future. The size and design of the building is yet to be determined. Hence, no plans are available for review. However, it is fully understood that design review will be required before prior to building permit issuance.

### **General Plan Special Area Policy**

The subject property is within the Windsor/Healdsburg Community Separator. According to the Sonoma County General Plan, the Windsor/Healdsburg Community Separator is approximately 1200 acres in size and runs along the Highway 101 corridor. Its purpose is to prevent Windsor and Healdsburg from merging.

A major concern regarding development in community separators is the loss of scenic or recreational open space. By adding a Special Area policy that is parcel specific and allows moderate business expansion on a parcel that is developed and has been used industrially for over 70 years will not, in this particular situation, result in a significant impact to scenic quality.

The site is ±2.7 acres in size. The majority of the site, excepting the septic area, is developed with industrial type buildings or covered in concrete. Growth of the business is likely to necessitate the replacement of older buildings with larger, more efficient buildings. However, through the entitlement process landscape screening will be required and any new development will be subject to design review.

### Special Area Policy

Policy LU-14m: Notwithstanding the existing Diverse Agriculture land use designation of the existing 2.7-acre industrial site identified as Nutradine (APN 086-030-017), continued processing (manufacturing) of nutraceuticals or nutrient related products, including manufacturing



of products from substances not grown or raised on site or in the local area and modification to procedures and materials can occur consistent with Use Permit PLP12-005. Those uses listed as "permitted uses" under the Limited Rural Industrial District, with the exception of vehicle and truck repair facilities and recycling collection facilities, are allowed subject to Design Review approval. Design Review shall address visual impacts of site development as viewed from Highway 101. All structures, including reconstruction or replacement structures, shall not exceed a combined footprint of 40,000 square feet, maximum 35 foot building height and shall otherwise comply with development standards of the M3 Zoning District subject to septic permit compliance. An increase in the number of employees beyond 30 is dependant upon proof of adequate septic capacity and review and approval of a revised Use Permit.

#### Public Benefit

The expansion of Nutradine will result in an increase in the number of local jobs from 9 to 30 and, among other things, the local production of nutritional supplements that provide life-enhancing food-stuffs to threatened or endangered species. To not approve the area policy and use permit would force the company to move elsewhere. Business retention, expansion and job creation is consistent with the Economic Development Strategic Plan goals set forth by the Board of Supervisors for Sonoma County.

# Vicinity Map

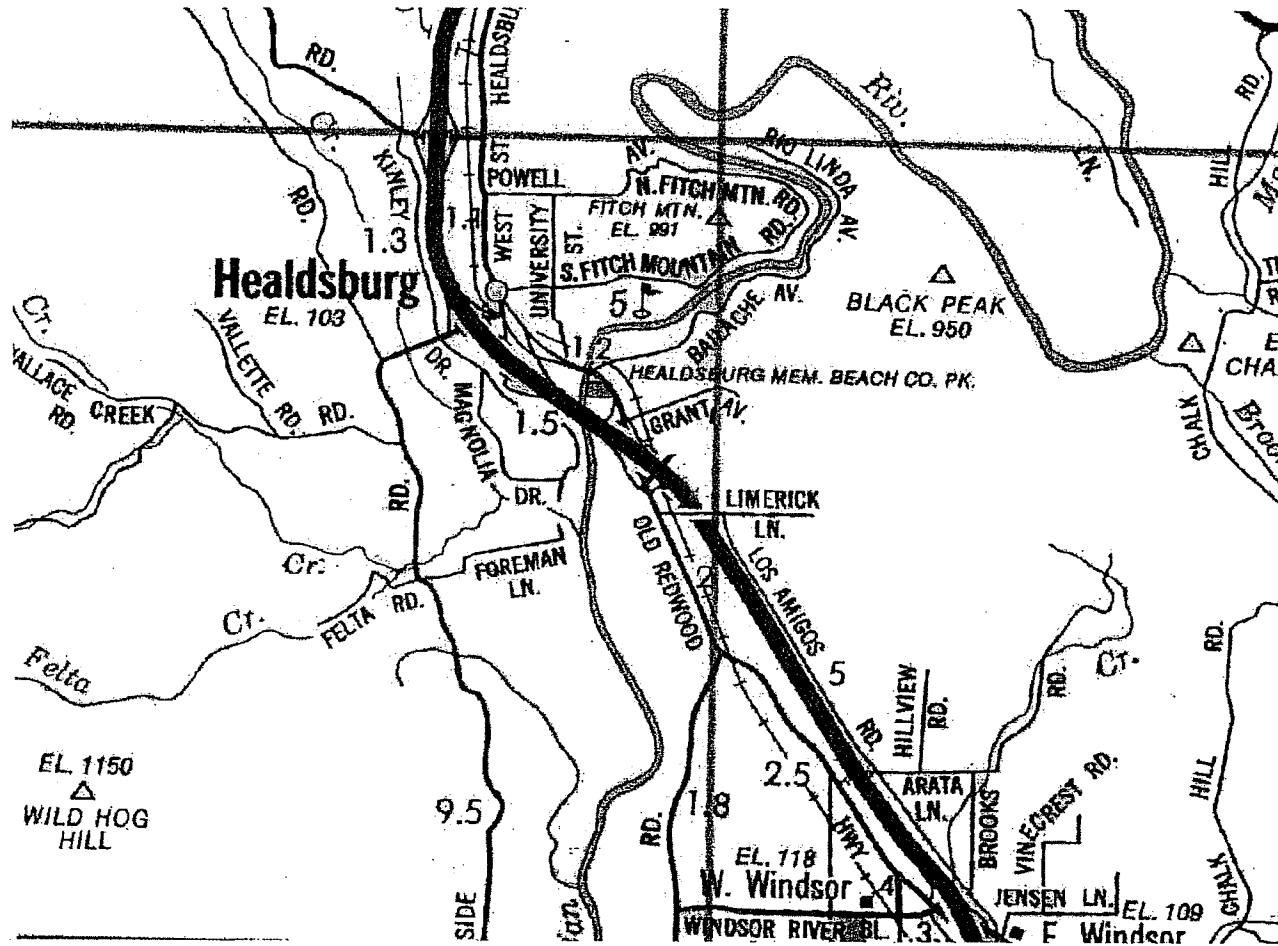


EXHIBIT D



PRMD

Activity #PLP12-0005

# General Plan Land Use

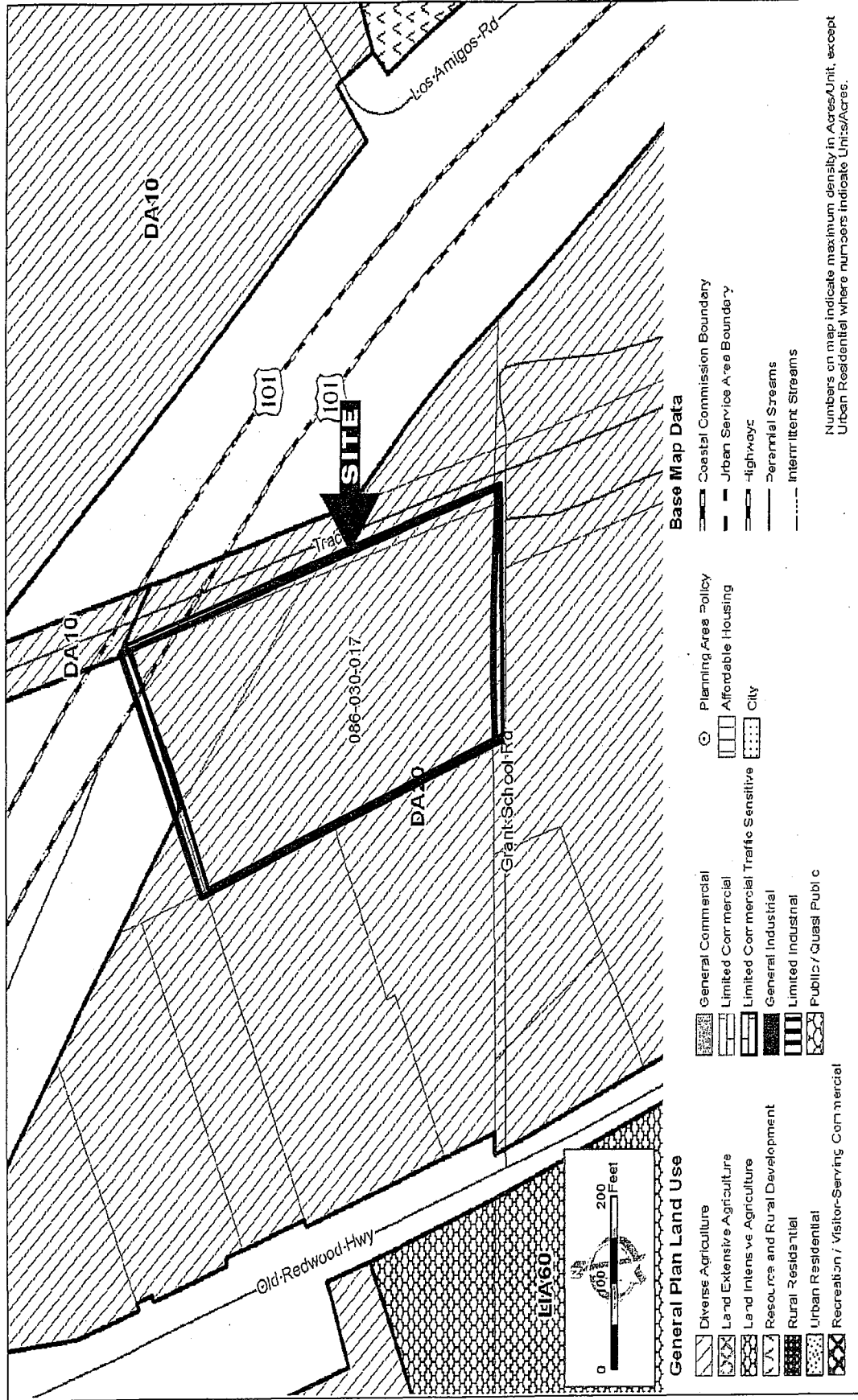


EXHIBIT E

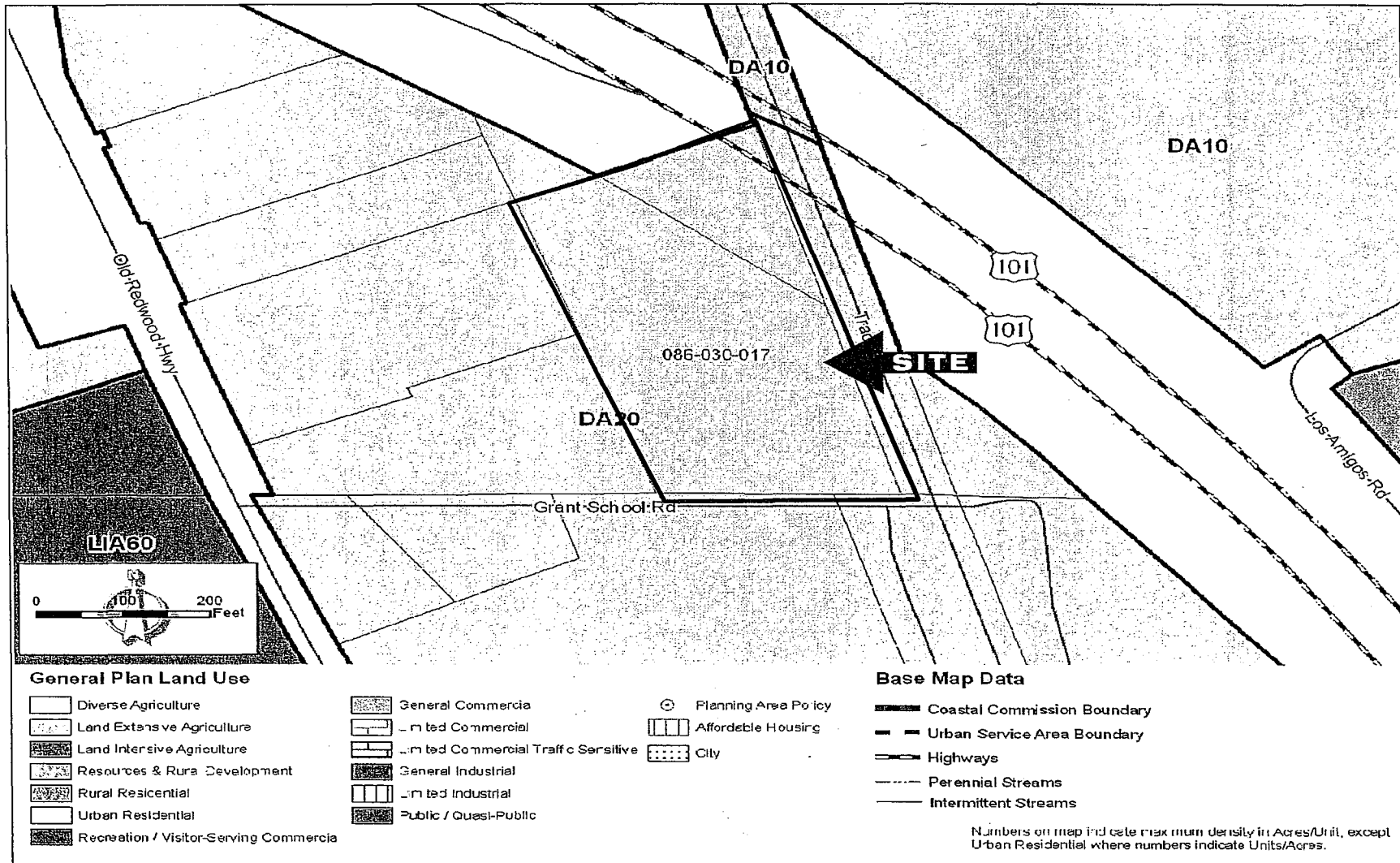


PRMD

Activity #PLP12-0005

# Zoning

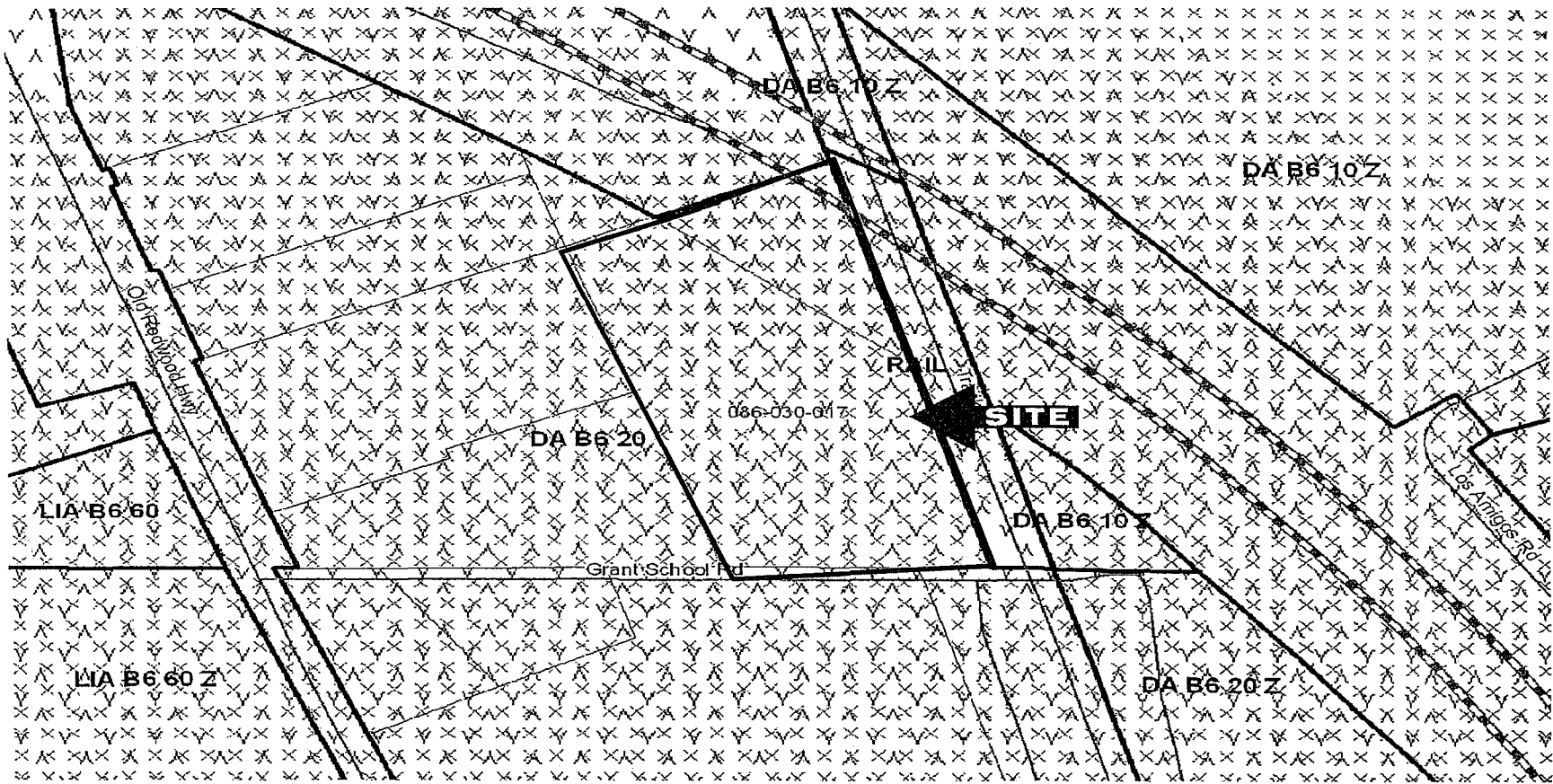
EXHIBIT F



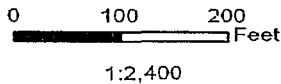
PRMD

Activity #PLP12-0005

# Zoning With Combining Districts



## Zoning and Combining Districts



- |                       |                        |                     |
|-----------------------|------------------------|---------------------|
| City Limit            | SD Scenic Design       | MR Mineral Resource |
| AH Affordable Housing | SR Scenic Resource     | G Geologic Hazard   |
| LU Policy             | VOH Valley Oak Habitat | F1 Floodway         |
| HD Historic District  | BR Biotic Resource     | F2 Floodplain       |



PRMD

Activity #PLP12-0005

# Aerial

EXHIBIT G

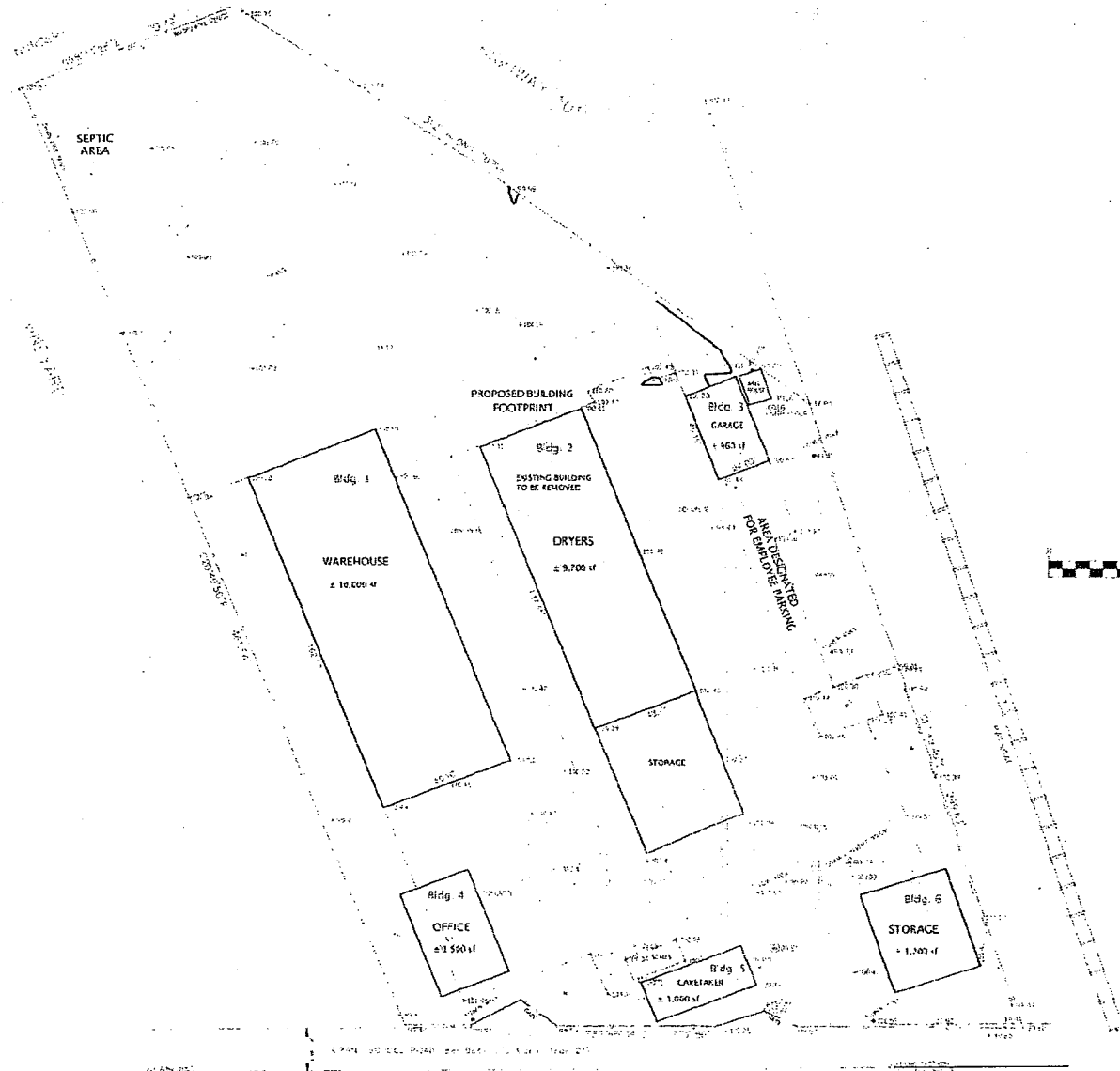


PRMD

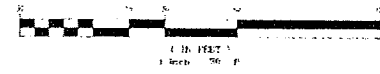
Activity #PLP12-0005

# Site Plan

EXHIBIT H



GRAPHIC SCALE



LEGEND

- BLDG. # EXISTING USE OF BLDG.
- 1 Warehousing and manufacturing
  - 2 Manufacturing, some storage
  - 3 Miscellaneous storage
  - 4 Office/administration
  - 5 Restrooms and caretaker's unit
  - 6 Storage

SITE PLAN  
NUTRADINE, INC.  
101 GRANT SCHOOL RD.  
HEALDSBURG, CA

**J. Kopolchok  
+ Associates**  
Land Use Planning  
Urban Design  
401 Duquesne Center  
Lancaster, PA 17601  
(717) 299-8900

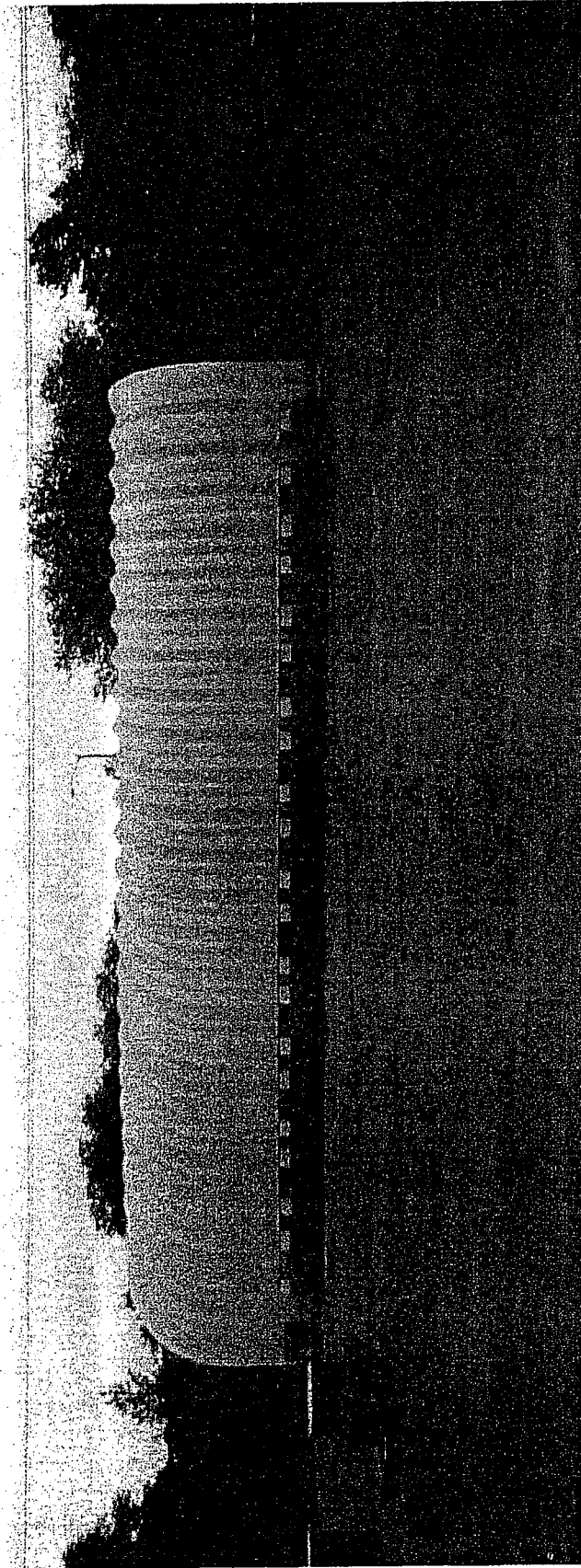


PRMD

Activity #PLP12-0005

# 1,200 sq. ft. Storage Building/SE Corner of Site

EXHIBIT I

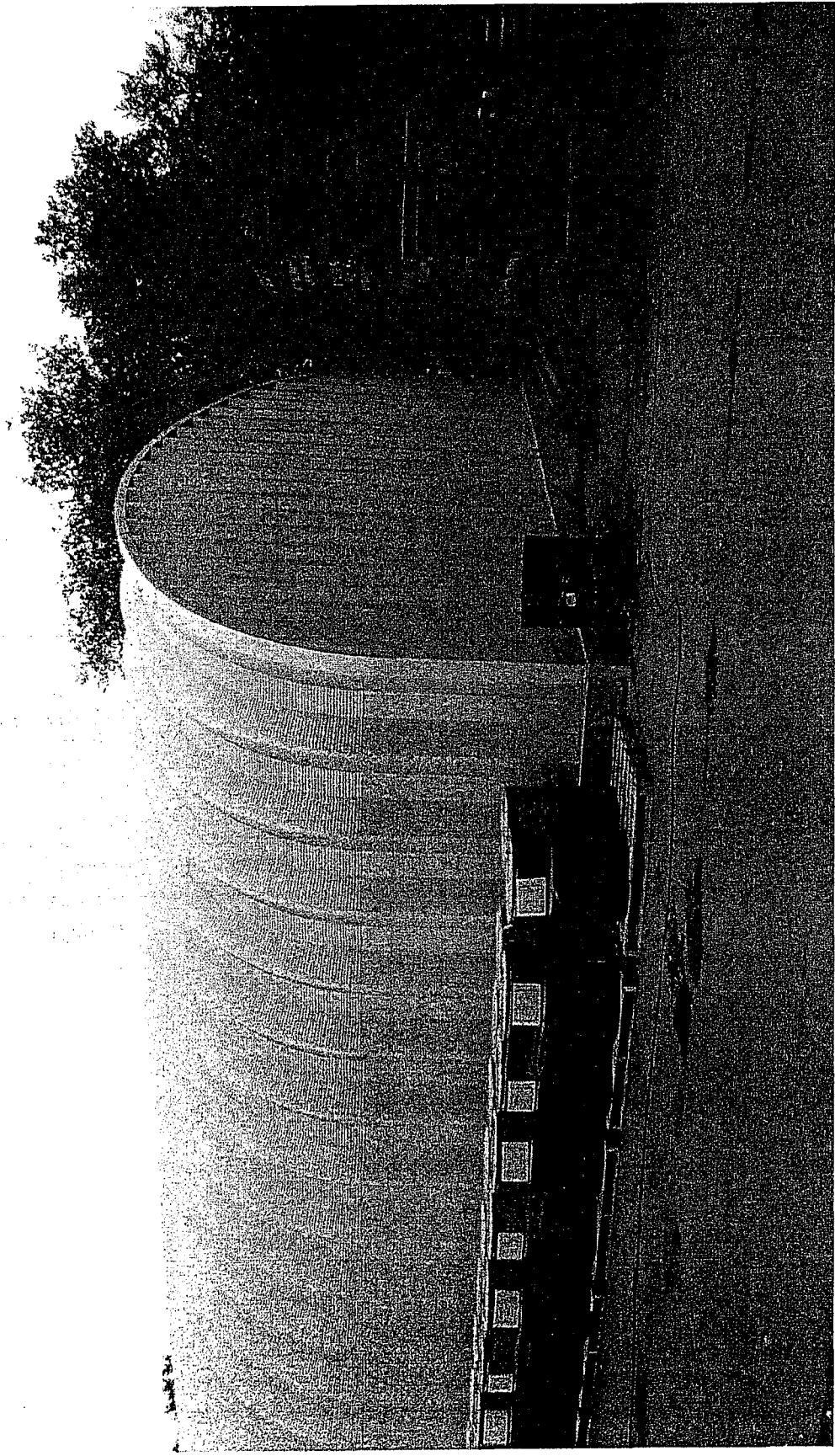


PRMD

Activity #PLP12-0005



# 1,200 sq. ft. Storage Building



PRMD

Activity #PLP12-0005

ORDINANCE NO. 5003 R

AN ORDINANCE OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA,  
REQUIRING VOTER APPROVAL OF CERTAIN REVISIONS OF OR  
AMENDMENTS TO THE BOUNDARIES OF OR LAND USE REGULATIONS  
APPLICABLE TO COMMUNITY SEPARATORS CREATED BY THE 1989  
SONOMA COUNTY GENERAL PLAN

*The People of the County of Sonoma do ordain as follows:*

Section 1. *Statement of Purpose.* The purpose of this ordinance is to give a higher level of assurance that the community separators created by the 1989 Sonoma County General Plan ("the General Plan") will not be reduced in size or have their land use regulations relaxed during the foreseeable future and thereby encourage the County's nine incorporated cities to adopt voter approved; companion ordinances establishing reasonable urban growth boundaries. The community separators implement a policy of the General Plan that the physical development of the County should be city-centered. The city-centered development policy further implements several state level policies including:

(a) Article XIII, section 8 of the California Constitution encouraging the "conservation, preservation and continued existence of open space lands" for "recreation, enjoyment of scenic beauty, use or conservation of natural resources, or production of food or fiber."

(b) Articles XIII A and XIII B of the California Constitution limiting local government tax revenues and spending and thereby encouraging the efficient physical development of communities that will reduce expenditures for public safety, streets, utilities and other publicly financed, operated and maintained improvements.

(c) The Planning and Zoning Law (Government Code section 65562) assuring "that cities and counties recognize that open-space land is a limited and valuable resource which must be conserved wherever possible" and that they will "prepare and carry out open-space plans."

(d) The Cortese-Knox Local Government Reorganization Act of 1985 (Government Code §§56000 et seq.) discouraging annexations and other changes in organization that result in urban sprawl and its implementation in Sonoma County by resolution number 2119, dated May 7, 1992, of the Sonoma County Local Agency Formation Commission.

Section 2. *Voter Approval Requirement for Community Separators.* No revision of or amendment to the boundaries or land use designations and densities of the following "community separators" established by section 2.1 and illustrated in figures OS-5a through OS-5i of the Open Space Element of the General Plan and described in section 3 of this ordinance shall become effective or operative unless and until such revision or amendment has been submitted to and approved by the qualified electors of the County voting at a regular or special election called by the Board of Supervisors; provided, however, that any amendment to the General Plan that either:

- (a) creates additional community separators,
- (b) adds additional area to an existing community separator,
- (c) both adds and deletes area from a community separator with no net loss in area, or
- (d) changes the community separator land use designations so as to maintain or improve the open space character of community separator lands in a manner that is consistent with the policies set forth in section 1,

may be adopted by the Board of Supervisors without voter approval.

| Community Separator               | Associated City |
|-----------------------------------|-----------------|
| (a) Petaluma/Novato               | Petaluma        |
| (b) Petaluma/Rohnert Park north   | Cotati          |
| (c) Petaluma/Rohnert Park south   | Petaluma        |
| (d) Rohnert Park/Santa Rosa north | Santa Rosa      |
| (e) Rohnert Park/Santa Rosa south | Rohnert Park    |
| (f) Santa Rosa/Sebastopol west    | Sebastopol      |
| (g) Santa Rosa/Sebastopol east    | Santa Rosa      |
| (h) Windsor/Santa Rosa south      | Santa Rosa      |
| (i) Windsor/Santa Rosa north      | Windsor         |
| (j) Windsor/Healdsburg south      | Windsor         |
| (k) Windsor/Healdsburg north      | Healdsburg      |
| (l) Northeast Santa Rosa          | Santa Rosa      |

Section 3. *Division of Community Separators.* The community separators identified in section 2 of this ordinance are divided solely for the purpose of associating them with a single city. Those divisions are as follows:

- a. Petaluma/Rohnert Park: The dividing line between north and south

follows Jewett Road north, then Stony Point Road northwest, then West Railroad Avenue northeast.

b. Rohnert Park/Santa Rosa: The dividing line between north and south follows the flood control channel from Langner Avenue near Millbrae Avenue easterly under Highway 101 to the Rohnert Park city limits at the northeast corner of Assessor's Parcel No. 045-040-018.

c. Santa Rosa/Sebastopol: The dividing line between east and west follows the Sonoma County Water Agency's Russian River Cotati Intertie pipeline.

d. Windsor/Larkfield/Santa Rosa: The dividing line between north and south follows Airport Boulevard.

e. Windsor/Healdsburg: The dividing line between north and south follows the southern boundary of Assessor's Parcel No. 086-110-023 east from the Russian River, then Old Redwood Highway north, then Limerick Lane east.

Section 4. *City Measure Requirements and Operative Date.* The requirements of section 2 of this Ordinance shall become operative and remain in effect as to any particular community separator when and only when the voters of the city associated with the community separator, as those associations are set forth in section 2 of this ordinance, have approved a measure meeting the following requirements:

(a) the creation of a continuous urban growth boundary which does not encroach into any community separator;

(b) a voter approval requirement for the enactment, repeal, revision or amendment of the measure; and

(c) a provision prohibiting automatic termination of the ordinance in less than 20 years.

The requirements of section 2 shall have no further application as to any particular community separator from and after the date the city measure of the associated city is repealed or revised or amended such that it no longer meets the requirements of this section.

Section 5. *Effective Date.* This ordinance shall be effective on the day following its approval by a majority of the County's qualified electors voting for or against the same in the November 5, 1996 general election.

Section 6. *Amendments and Interpretation.* This ordinance shall not be repealed, revised or amended without the approval of the qualified electors of the County voting at a regular or special election called by the Board of Supervisors; provided, however, that the Board of Supervisors may, from time to time, take such actions as it deems necessary to interpret, construe and implement this ordinance in a manner that is consistent with its purposes. This ordinance is not intended, and shall not be applied or construed, to authorize the County to exercise its powers in a manner that would take or damage

---

private property for public use without the payment of just compensation through the County's prior exercise of its power of eminent domain. This ordinance shall be interpreted, applied and implemented so as to accomplish its purposes to the maximum permissible extent by all constitutional means. If the application of this ordinance to a specific property would create a taking or a damaging, then the Board of Supervisors may take any action necessary to avoid a taking or damaging, to the greatest extent possible, consistent with the purposes of this ordinance. This ordinance shall be part of the Land Use Element of the General Plan. This ordinance shall not be construed to create any contractual rights or duties nor shall it be construed to modify, in any way, the laws governing city boundary changes.

Section 7. *Expiration.* The provisions of this ordinance shall be of no further force or effect from and after the first day of the January next succeeding the twentieth anniversary of the voter approval of this ordinance.

Section 8. *Severability.* If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**VOTER'S PAMPHLET**  
**MEASURES, ANALYSES AND ARGUMENTS**  
 (whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

**COUNTY OF SONOMA**  
**MEASURE D**

**D** Shall a county ordinance be adopted requiring county voter approval of changes to a community separator adjacent to a city, where the voters of that city have approved an urban growth boundary effective for 20 years?

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE D**

California has established public policies favoring the preservation of open space, the continuation of agriculture and the discouragement of urban sprawl.

Both the 1978 and 1989 Sonoma County General Plans implemented these policies with a "city centered" plan for the County's physical development. The "city centered" plan features "community separators." Community separators are lands that are located between cities, are in agricultural use, are zoned for low density and low intensity uses and are located so as to discourage urban sprawl.

In 1990 the County's voters approved measures for the purchase of developments rights to preserve open space and agriculture and to support the "city centered" plan for the County's physical development.

In 1993 the County's Local Agency Formation Commission, a government agency that controls changes in city and district boundaries, adopted a policy of not approving city annexations of lands within community separators.

Recently, four of the County's nine cities (Healdsburg, Rohnert Park, Santa Rosa and Sebastopol) have placed city boundary measures on the November 1996 ballot that would voluntarily limit annexations by establishing voter approved urban growth boundaries. Annexations outside of the urban growth boundaries would only occur in limited situations.

If approved by a majority of the County's voters voting in this election, Measure D would support the County's anti-urban sprawl policies and voter approved city urban growth boundaries. Measure D would require prior County voter approval of increased development in those community separators where the voters of a city next to the separator had approved an urban growth boundary that could not be changed by a city council for twenty years and that prohibited the city's annexation of community separator lands.

Measure D would automatically terminate in twenty years and could only be repealed or changed during that twenty year period by another county-wide election.

s/ James P. Botz  
 County Counsel

**ARGUMENT IN FAVOR OF MEASURE D**

You can help strengthen the protection of community separators and help preserve productive and scenic farmland from unwanted and unnecessary development by voting Yes on Measure D.

Sonoma County residents have long understood the value of community separators and greenbelts between cities. City general plans and the county general plan utilize the concept of city-centered growth and strongly discourage development in those areas that provide a visual and physical separation between cities.

Measure D will provide further protection of these critically important areas by freezing the current zoning, for a period of twenty years, on those community separators between cities that have adopted urban growth boundaries for the same time period.

Measure D is compatible with the efforts of a number of Sonoma County cities that are developing urban growth boundaries.

Measure D will add another layer of protection against unwanted urban sprawl and help ensure that community separators are left intact for the future.

Measure D will cost the taxpayers absolutely nothing.

Sonoma County can avoid the mistakes made by some bay area counties that have allowed for urban encroachment into community separators and rural farmlands. Never again will they enjoy the important separation between cities, sense of community and scenic views. We can help avoid those same mistakes here in Sonoma County by voting Yes on Measure D.

If approved, Measure D will reaffirm the strong policies in local general plans that discourage urban encroachment into rural areas and provide additional protection of community separators for the next twenty years.

Please join us in voting Yes on Measure D.

s/ Alan Strachan  
 Developer

s/ Pat Wiggins  
 Santa Rosa  
 City Councilmember

s/ Louis M. Foppiano  
 President of United  
 Winegrowers of Sonoma County

s/ Ernest L. Carpenter  
 Sonoma County Supervisor

s/ Valerie Hinshaw  
 Businesswoman

**REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE D**

Vote "No on Measure D."

Measure D is another layer of government, not another layer of protection. It isn't the antidote to urban sprawl but a creator of urban sprawl. If Measure D passes, the county's economic health and the residents' well-being will deteriorate dramatically.

Measure D moves beyond setting reasonable community separators to dividing Sonoma County into the "haves" and "have nots." The "haves" will enjoy their prosperity while the "have nots" will be pushed farther away from the city-centered corridors in search of affordable housing and jobs. This will cause urban sprawl and massive gridlock on Highway 101.

Measure D will shrink the boundary so small there won't be room for greenbelts. The need for jobs and housing won't stop, and won't be met within our cities because that land will become expensive and overtaxed. Our farmlands, cheapened in value by Measure D, will be eagerly snapped up for development, decreasing agricultural separators and promoting sprawl.

Do we want to foster a cumbersome planning mechanism that creates a new category of second class citizens? Farmers, seniors, young families — all of these people will be hurt by the inability of Sonoma County to act to protect them from economic changes and lack of housing opportunities.

The adopted Sonoma County General Plan provides for community separators and agricultural preservation. This system works. We don't need Measure D mandating taxpayer-financed costly elections and lengthy delays with no environmental or economic analysis.

We urge you to vote "No on Measure D."

s/ John Bucher  
 President,  
 Sonoma County Farm Bureau

s/ Cal Stead  
 President,  
 Sonoma County Taxpayers Association

**VOTER'S PAMPHLET**  
**MEASURES, ANALYSES AND ARGUMENTS**  
 (whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

**ARGUMENT AGAINST MEASURE D**

Vote "No" on Measure D.

The residents of Sonoma County are currently protected against urban sprawl. Our General Plan calls for city-centered development and provides for community separators and greenbelts around those cities. These community separators are well-defined, and have been publicly scrutinized and environmentally reviewed. Unfortunately, Measure D requires neither environmental review nor economic analysis.

We need community separators—and we have them in our General Plan. What we do not need is to have the boundaries permanently fixed without the flexibility to adjust them to fit our county's needs.

There is no crystal ball that tells where the economy will be in the next twenty years. An inflexible boundary jeopardizes our ability to respond to the demands for jobs and housing, open space and recreational facilities. Measure D threatens our economic vitality and the preservation of agriculture.

The Sonoma County Farm Bureau opposes Measure D because it is "too inflexible to meet future needs and places our agricultural lands in harm's way." Agricultural lands will become prime targets for development as land within the cities' boundaries inflates in price and disappears in availability.

The Sonoma County Taxpayers Association opposes Measure D because it "will promote urban sprawl and 'leap-frogging' of development along transportation corridors without appropriate planning and land use safeguards."

If we needed to change Measure D's boundaries, a special election could cost the taxpayers more than \$460,000 each and every time, and take up to two years to occur.

Measure D will rob property owners in the unincorporated area by devaluing their property, and artificially increase property values within the UGBs causing higher taxes and crowded neighborhoods.

Commuters will face massive traffic jams as they move farther out in search of affordable housing.

Vote No on Measure D.

s/ John Bucher  
 President,

s/ Florence Griswold  
 Past President,

Sonoma County Farm Bureau      Sonoma County Taxpayers' Association

**REBUTTAL TO ARGUMENT AGAINST MEASURE D**

Measure D would help Sonoma County avoid land development mistakes that have been made in other Bay Area Counties.

In some counties, agriculture, community separators and open space between cities have vanished forever.

Opponents of Measure D would like you to believe that these critically important physical and visual separations between cities don't need additional protection. They're wrong.

Lack of protection is exactly what allowed a continual blur of development without any sense of community or identifiable separation between some bay area cities.

Measure D will help prevent that from occurring in Sonoma County.

Measure D will complement efforts made by several cities in Sonoma County to develop urban growth boundaries and keep them in place for twenty years. This strengthens agriculture.

Measure D will reaffirm our commitment to the concept of city-centered growth which is the basis of the county general plan and those of the cities in Sonoma County.

Our quality of life suffers when development is allowed to occur in the wrong place. Measure D will help prevent that and direct future growth into areas where urban services already exist, saving taxpayer dollars.

Measure D will not raise your taxes and will cost nothing.

CONTINUED NEXT COLUMN...

**REBUTTAL TO ARGUMENT AGAINST MEASURE D, CONT.**

Measure D will not require any county wide election to change boundaries because the measure only goes into effect over those separators that are located next to cities that have adopted urban growth boundaries for a period of twenty years.

Vote to protect community separators for the future. Vote Yes on Measure D.

s/ Shepherd Bliss  
 North Coast Chapter,  
 Community Alliance With Family Farmers

s/ Gerald Villarreal  
 Attorney at Law

s/ Beverly Wasson  
 Grape Grower

s/ Bob Stone  
 Retired Banker

s/ Marsha Vas Dupre  
 President,  
 League of Women Voters of Sonoma County

**FULL TEXT OF MEASURE D**  
 ORDINANCE NO. \_\_\_\_\_R

**AN ORDINANCE OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, REQUIRING VOTER APPROVAL OF CERTAIN REVISIONS OF OR AMENDMENTS TO THE BOUNDARIES OF OR LAND USE REGULATIONS APPLICABLE TO COMMUNITY SEPARATORS CREATED BY THE 1989 SONOMA COUNTY GENERAL PLAN**

*The People of the County of Sonoma do ordain as follows:*

Section 1. *Statement of Purpose.* The purpose of this ordinance is to give a higher level of assurance that the community separators created by the 1989 Sonoma County General Plan ("the General Plan") will not be reduced in size or have their land use regulations relaxed during the foreseeable future and thereby encourage the County's nine incorporated cities to adopt voter approved, companion ordinances establishing reasonable urban growth boundaries. The community separators implement a policy of the General Plan that the physical development of the County should be city-centered. The city-centered development policy further implements several state level policies including:

(a) Article XIII, section 8 of the California Constitution encouraging the "conservation, preservation and continued existence of open space lands for "recreation, enjoyment of scenic beauty, use or conservation of natural resources, or production of food or fiber."

(b) Articles XIII A and XIII B of the California Constitution limiting local government tax revenues and spending and thereby encouraging the efficient physical development of communities that will reduce expenditures for public safety, streets, utilities and other publicly financed operated and maintained improvements.

(c) The Planning and Zoning Law (Government Code section 65562) assuring "that cities and counties recognize that open-space land is a limited and valuable resource which must be conserved wherever possible" and that they will "prepare and carry out open-space plans."

(d) The Cortese-Knox Local Government Reorganization Act of 1985 (Government Code §56000 et seq.) discouraging annexations and other changes in organization that result in urban sprawl and its implementation in Sonoma County by resolution number 2119, dated May 7, 1992, of the Sonoma County Local Agency Formation Commission.

Section 2. *Voter Approval Requirement for Community Separators.* No revision of or amendment to the boundaries or land use designations and densities of the following "community separators" established by section 2 and illustrated in figures OS-5a through OS-5i of the Open Space Elements of the General Plan and described in section 3 of this ordinance shall become

CONTINUED NEXT PAGE...

**VOTER'S PAMPHLET**  
**MEASURES, ANALYSES AND ARGUMENTS**  
 (whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

**FULL TEXT OF MEASURE D, CONT.**

effective or operative unless and until such revision or amendment has been submitted to and approved by the qualified electors of the County voting at a regular or special election called by the Board of Supervisors; provided, however, that any amendment to the General Plan that either:

- (a) creates additional community separators,
- (b) adds additional area to an existing community separator,
- (c) both adds and deletes area from a community separator with no net loss in area, or
- (d) changes the community separator land use designations so as to maintain or improve the open space character of community separator lands in a manner that is consistent with the policies set forth in section 1,

may be adopted by the Board of Supervisors without voter approval.

| Community Separator               | Associated City |
|-----------------------------------|-----------------|
| (a) Petaluma/Novato               | Petaluma        |
| (b) Petaluma/Rohnert Park north   | Cotati          |
| (c) Petaluma/Rohnert Park south   | Petaluma        |
| (d) Rohnert Park/Santa Rosa north | Santa Rosa      |
| (e) Rohnert Park/Santa Rosa south | Rohnert Park    |
| (f) Santa Rosa/Sebastopol west    | Sebastopol      |
| (g) Santa Rosa/Sebastopol east    | Santa Rosa      |
| (h) Windsor/Santa Rosa south      | Santa Rosa      |
| (i) Windsor/Santa Rosa north      | Windsor         |
| (j) Windsor/Healdsburg south      | Windsor         |
| (k) Windsor/Healdsburg north      | Healdsburg      |
| (l) Northeast Santa Rosa          | Santa Rosa      |

**Section 3. Division of Community Separators.** The community separators identified in section 2 of this ordinance are divided solely for the purpose of associating them with a single city. Those divisions are as follows:

- a. **Petaluma/Rohnert Park:** The dividing line between north and south follows Jewett Road north, then Stony Point Road northwest, then West Railroad Avenue northeast.
- b. **Rohnert Park/Santa Rosa:** The dividing line between north and south follows the flood control channel from Langner Avenue near Millbrae Avenue easterly under Highway 101 to the Rohnert Park city limits at the northeast corner of Assessor's Parcel No. 045-040-018.
- c. **Santa Rosa/Sebastopol:** The dividing line between east and west follows the Sonoma County Water Agency's Russian River Cotati Intertie pipeline.
- d. **Windsor/Larkfield/Santa Rosa:** The dividing line between north and south follows Airport Boulevard.
- e. **Windsor/Healdsburg:** The dividing line between north and south follows the southern boundary of Assessor's Parcel No. 086-110-023 east from the Russian River, then Old Redwood Highway north, then Limerick Lane east.

**Section 4. City Measure Requirements and Operative Date.** The requirements of section 2 of this Ordinance shall become operative and remain in effect as to any particular community separator when and only when the voters of the city associated with the community separator, as those associations are set forth in section 2 of this ordinance, have approved a measure meeting the following requirements:

- (a) the creation of a continuous urban growth boundary which does not encroach into any community separator;
- (b) a voter approval requirement for the enactment, repeal, revision or amendment of the measure; and

(c) a provision prohibiting automatic termination of the ordinance in less than 20 years.

The requirements of section 2 shall have no further application as to any particular community separator from and after the date the city measure of the associated city is repealed or revised or amended such that it no longer meets the requirements of this section.

**Section 5. Effective Date.** This ordinance shall be effective on the day following its approval by a majority of the County's qualified electors voting for or against the same in the November 5, 1996 general election.

**Section 6. Amendments and Interpretation.** This ordinance shall not be repealed, revised or amended without the approval of the qualified electors of the County voting at a regular or special election called by the Board of Supervisors; provided, however, that the Board of Supervisors may, from time to time, take such actions as it deems necessary to interpret, construe and implement this ordinance in a manner that is consistent with its purposes. This ordinance is not intended, and shall not be applied or construed, to authorize the County to exercise its powers in a manner that would take or damage private property for public use without the payment of just compensation through the County's prior exercise of its power of eminent domain. This ordinance shall be interpreted, applied and implemented so as to accomplish its purposes to the maximum permissible extent by all constitutional means. If the application of this ordinance to a specific property would create a taking or a damaging, then the Board of Supervisors may take any action necessary to avoid a taking or damaging, to the greatest extent possible, consistent with the purposes of this ordinance. This ordinance shall be part of the Land Use Element of the General Plan. This ordinance shall not be construed to create any contractual rights or duties nor shall it be construed to modify, in any way, the laws governing city boundary changes.

**Section 7. Expiration.** The provisions of this ordinance shall be of no further force or effect from and after the first day of the January next succeeding the twentieth anniversary of the voter approval of this ordinance.

**Section 8. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.



CONSOLIDATED GENERAL ELECTION

TITLE: MEASURE D

SONOMA COUNTY URBAN GROWTH BOUNDARIES

ELECTION DATE: NOVEMBER 5, 1996

REGISTERED VOTERS: 249,551

RESULTS

Measure D - Sonoma County  
Urban Growth Boundaries  
COMPLETE PRECINCTS : 474/ 474  
Yes.....111,423 70.1  
No.....47,536 29.9

| MEASURES SUBMITTED TO VOTE OF VOTERS  |     |
|---|-----|
| COUNTY  |     |
| D. Shall a county ordinance be adopted requiring county voter approval of changes to a community separator adjacent to a city, where the voters of that city have approved an urban growth boundary effective for 20 years? | Yes |
|   | No  |

2/3 MAJORITY? \_\_\_\_\_

MAJORITY? X



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Southwest Region  
777 Sonoma Ave., Room 325  
Santa Rosa, CA 95404-4731

January 31, 2013

In response, refer to:  
SWR/F/SWR3:RC/MH

Robert Weiss, President  
AquaDine, Inc.  
101 Grant School Rd  
Healdsburg, California 95448

Dear Robert:

The purpose of this letter is to indicate NOAA's National Marine Fisheries Service's (NMFS) appreciation for AquaDine's involvement and sponsorship of the Nutrient Enhancement Study proposed for the Russian River in Sonoma County, California.

As you are aware, in cooperation with the California Department of Fish and Wildlife, United States Army Corps of Engineers, and University of California Cooperative Extension/Sea Grant, NMFS is pursuing a pilot study to demonstrate the benefits of nutrient enhancement to coho salmon recovery efforts in the Russian River. Specifically, we hope to re-establish stream nutrient enrichment and improve the growth and survival of endangered coho salmon utilizing AquaDine timed release Salmon Carcass Analogs (Salmalogs).

In 2001, when the Russian River wild coho population was deemed to be at critically low levels, NMFS in cooperation with the above agencies established the Russian River Coho Salmon Captive Broodstock Program (RRCSCBP), with the goal of re-establishing a self-sustaining population. Over the last ten years, over 1/2 million juvenile coho salmon have been released into historic native tributaries. Numerous projects to remove barriers, reduce upslope erosion, and restore in-stream habitat complexity have also been implemented by various partners allowing these fish to re-occupy and utilize previously degraded habitats. Through the restoration of historic habitat, and hatchery supplementation with careful genetic management, we have successfully prevented the extirpation of coho salmon in the Russian River – from an estimate of fewer than 10 in 2001, to over 500 this year. While these results are encouraging, in 2012, NMFS completed a final Recovery Plan for Central California Coast (CCC) coho salmon which identifies and prioritizes strategic actions to reach the numeric recovery targets established for each population, including the Russian River, which had a historical population of over 10,000 adults.



For generations, Russian River salmon returned from the ocean, spawned and died by the tens of thousands, annually bringing hundreds of thousands of pounds of nutrients, Marine Derived Nutrients (MDNs), in the form of their carcasses, to the freshwater ecosystem. These MDN's provided the basic component of the aquatic food web - a food web that has been fragmented by harvest and hatchery retention, and declining salmon runs for well over half a century. We are interested in this project, as we believe that MDN supplementation to nutrient poor forest ecosystems will improve the growth and survival of juvenile coho salmon, resulting in improved adult returns and naturally restored nutrient cycles.

Since the 1980's, MDN research and enrichment projects in the Pacific Northwest have documented and demonstrated the effects of MDN on primary production, benthic macro-invertebrates, and the benefits to increased salmon growth. Oregon, Washington, Idaho and British Columbia have established MDN enrichment programs using both hatchery salmon carcasses and salmon carcass analog pellets. However, MDN enrichment projects are rare in California, as few suitable salmon carcasses have been available for stream supplementation. Recently, the state of Washington established guidelines for nutrient enrichment, and have described salmon analogs as a viable, reliable and safe alternative source of nutrition enhancement. NMFS staff has contacted and has utilized the data, information and protocols from these various programs to develop a pilot study to demonstrate, document and evaluate nutrient enrichment in a California stream.

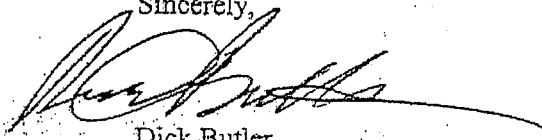
This pilot study is unique for three reasons: 1) to date no projects to document and demonstrate MDN benefits with salmon analogs have been conducted in California; 2) the Russian River project has a well-established monitoring program with several years of pre-treatment data indicating that smolt growth and adult returns are below expectation goals; and 3) we understand AquaDine's manufacturing process and the binder used promises to extend the benefits of MDN enhancement from approximately 7 days, to up to 7 weeks - overcoming the short-term response demonstrated by other studies.

In addition, multiple partnerships exist which will support the water quality and fish growth monitoring, which are a large focus of this study. We hope to track isotopic nitrogen and phosphorous from the lower trophic levels through the food chain to salmon, as improving the ecological integrity of California streams is a key focus of the project. **To accomplish this goal, it is critical analogs are developed from a well-known and trusted source of marine derived salmon carcasses.**

Should the pilot study produce favorable results (*i.e.*, increased fish growth), we hope to conduct further work through academic and agency supported research, leading to a full implementation plan for MDN enrichment in the Russian River and elsewhere throughout California using salmon analogs. We want to thank you and the AquaDine staff for generating interest in this project, and providing salmon analogs for the pilot study. NMFS staff will be making a presentation regarding the status of MDN research and introducing our pilot study to various agencies and private stream restoration practitioners at an upcoming California fisheries conference this spring, to generate input on the study and interest for MDN enrichment projects throughout California.

National Marine Fisheries Service thanks you for your support and we look forward to working with you in the future to achieve conservation benefits for, and contribution to the recovery of CCC coho salmon. Please contact Robert Coey at (707) 575-6090 or via e-mail at [Bob.Coey@NOAA.GOV](mailto:Bob.Coey@NOAA.GOV), or Dr. Melanie Harrison (707) 575-1253 or via email at [Melanie.Harrison@NOAA.GOV](mailto:Melanie.Harrison@NOAA.GOV) if you have any questions concerning this letter or require additional information.

Sincerely,



Dick Butler  
North Central Coast Office Supervisor  
Protected Resources Division

Resolution Number

County of Sonoma  
Santa Rosa, California

October 17, 2013  
PLP12-0005 Dean Parsons

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVE A SITE SPECIFIC GENERAL PLAN PLANNING AREA POLICY, A ZONE CHANGE TO ADD A REFERENCE TO THE SUBJECT SITES'S SITE SPECIFIC PLANNING AREA POLICY, AND A USE PERMIT AS REQUESTED BY NUTRADINE, INC, FOR PROPERTY LOCATED AT 101 GRANT SCHOOL ROAD, HEALDSBURG; APN 086-030-017.

WHEREAS, the applicant, Nutradine, Inc, c/o Paul Butler, filed a application with the Sonoma County Permit and Resource Management Department for a modified Use Permit to allow the diversification and expansion of an existing Spirulina manufacturing facility to allow continued processing and manufacturing of nutraceuticals or nutrient related products from substances not grown on site for pet and fish foods. The expansion includes replacing an existing ±9,700 square foot warehouse building with a new ±20,000 square foot warehouse building and an increase in the number of full-time employees from 9 to 30. Hours of operation remain unchanged, Monday through Saturday, 6:00 a.m. to 10:00 p.m. with most employees arriving between 8:00 a.m. and 5:00 p.m. The request also includes a proposed new General Plan Planning Area Policy to allow continued on-site industrial uses consistent with the development standards of the M3 Zoning District, including an ultimate building foot print of a maximum 40,000 square feet for property. The project also includes a Zone Change to add reference to the subject site's site specific General Plan Planning Area land use policy. The site is located at 101 Grant School Road, Healdsburg; APN 086-030-017; Zoned DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat); Supervisorial District No 4 ("the Project"); and

WHEREAS, the project is located within a Community Separator as designated by the Sonoma County General Plan which restricts industrial uses; and

WHEREAS, an Initial Study and Revised Mitigated Negative Declaration was prepared and circulated for public review on September 27, 2013 for the proposed project in accordance with all appropriate laws and guidelines; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on October 17, 2013, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The project is consistent with the Diverse Agriculture General Plan land use and zoning designations, provided that a General Plan Planning Area Policy is approved which limits the project to a relatively minor intensification of the existing pet and fish food production facility to include additional pet/fish food products manufactured from products not grown or produced on site. The Planning Area Policy recognizes that the site is located within the Community Separator but the Community Separator is not compromised because the site is already developed as an industrial site with several structures and a considerable amount of impermeable paved surfaces that is not conducive to intensive farming uses typically found on DA designated lands. The Planning Area Policy shall be applied to the site to restrict future expansion and increased intensity as follows:

*Policy LU-14m: Notwithstanding the existing Diverse Agriculture land use designation of the existing 2.7 acre industrial site identified as Nutradine (APN 086-030-017), continued processing (manufacturing) of nutraceuticals or nutrient related products, including manufacturing of products from substances not grown or raised on site or in the local area and modification to procedures and materials can occur consistent with Use Permit PLP12-0005. Uses listed as "permitted uses" not requiring a Use Permit under the Limited Rural Industrial District, with the exception of vehicle and truck repair facilities and recycling collection facilities, are allowed subject to Design Review approval. Design Review shall address visual impacts of site development as viewed from Highway 101. All structures, including reconstruction or replacement structures, shall not exceed a combined footprint of 40,000 square feet, maximum 35 foot building height, and shall otherwise comply with development standards of the M3 (Limited Rural Industrial) Zoning District subject to septic permit compliance. An increase in the number of employees beyond 30 is dependent upon proof of adequate septic capacity and review and approval of a revised Use Permit.*

2. The project is consistent with General Plan Policies OSRC-1b, OSRC-1f and LU-14b because the proposed project site is already developed similar to an industrial site and the ultimate build out of a maximum of 40,000 square feet to accommodate an expanded pet and fish food product line does not significantly change the physical characteristics or use of the site. Design Review is required as a Condition of Approval to assure that the design, colors and materials of the new structures are compatible with surrounding landscape and screened from Highway 101.
3. The proposed project is consistent with the intent of Ordinance No. 5003 R which discourages revisions to land use designations within community separators established in the Sonoma County General Plan. The restrictions outlined in the above General Plan Planning Area Policy restrict on-site land uses to allow continued production of Spirulina used for pet foods in addition to manufacturing of additional food products not grown or raised on site. The policy addresses visual impacts associated with a maximum ultimate build-out of 40,000 square feet. Design Review of all new structures ensures that adequate landscape screening and building colors and materials blend with surrounding vegetation while minimizing visual impacts from the Highway 101 Scenic Corridor.
4. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this

project, because mitigation measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.

5. The operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The overall industrial character of the site is not changing significantly by the expanded product line and all product manufacturing occurs indoors which limits any noise impacts to adjacent neighbors.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the Board of Supervisors adopt the Mitigated Negative Declaration and approve the request for a site specific General Plan Area Policy, and Use Permit subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Ayes:                      Noes:                      Absent:                      Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.



## ***Mitigated Negative Declaration***

### **Sonoma County Permit and Resource Management Department**

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

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Pursuant to Section 15071 of the State CEQA Guidelines, this summary of findings and the attached Initial Study and mitigations constitute the Mitigated Negative Declaration as proposed for or adopted by the County of Sonoma for the project described below:

**Project Title:** 101 Partners and Nutradine Inc. (PLP12-0005)

**Project Location Address:** 101 Grant School Road, Healdsburg, CA

**Lead Agency:** County of Sonoma Permit and Resource Management Dept.

**Decision Making Body:** Sonoma County Board of Supervisors

**Project Applicant:** Nutradine, LLC

**Project Description:** Request for a modified Use Permit to allow the diversification and expansion of an existing Spirulina manufacturing facility to allow continued processing and manufacturing of nutraceuticals or nutrient related products from substances not grown on site for pet and fish foods. The expansion includes replacing an existing  $\pm$  9,700 square foot warehouse building with a new  $\pm$ 20,000 square foot warehouse building and an increase in the number of full-time employees from 9 to 30. Hours of operation remain unchanged, Monday through Saturday, 8:00 a.m. to 5:00 p.m. The request also includes a proposed new General Plan Planning Area Policy to allow continued on-site industrial uses consistent with the development standards of the M3 Zoning District, including a maximum building foot print of 40,000 square feet.

#### **Environmental Finding:**

Basis on the attached Initial Study, the project described above will not have a substantial adverse impact on the environment, provided that the mitigation measures identified in the Initial Study are included in the project.

**Initial Study:** See attached. For more information call Dean Parsons at (707) 565-1948.



**Mitigation Measures:** Included in attached Initial Study. The project applicant has agreed to implement all mitigation measures.

### **Introduction:**

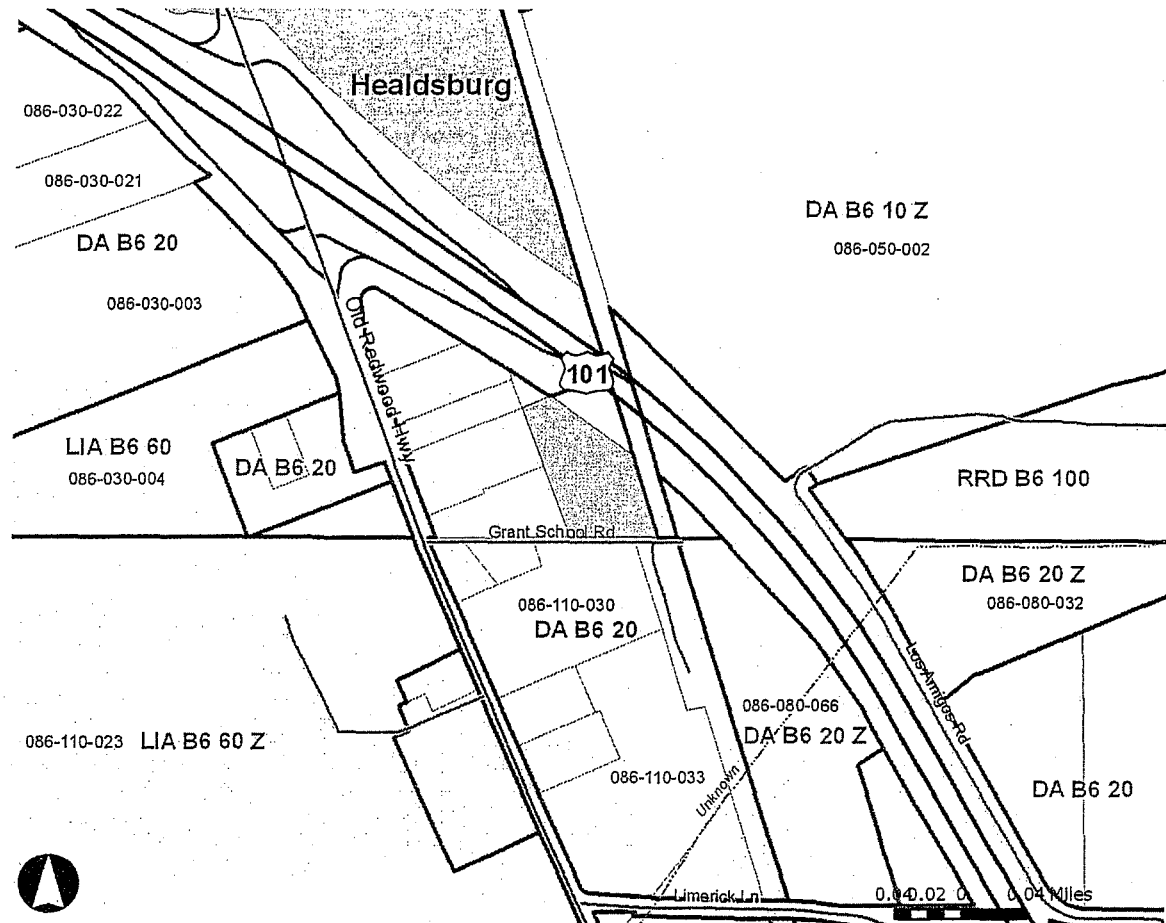
Nutradine, LLC request a General Plan Amendment and Zone Change to add a General Plan Area Policy and Use Permit to allow diversification and expansion of an existing nutraceuticals manufacturing facility seeking expansion of the manufacturing facility to include varied types of nutraceuticals and ingredients used in production of nutraceuticals produced, an increase in building square footage from 24,360 sq. ft. to a maximum of 40,000 sq. ft. and increases the number of employees from 9 to 30. The project is located at 101 Grant School Road, Healdsburg, CA.

This report is the Initial Study required by the California Environmental Quality Act (CEQA). Dean Parsons, Project Review Manager with the Sonoma County Permit and Resource Management Department, Project Review Division, prepared the report. Nutradine, LLC provided information on the project. Various consultants, as identified in the Initial Study, provided additional information. Technical studies referred to in this document are available for review at the Sonoma County Permit and Resource Management Department.

Please contact Dean Parsons, Planner by telephone at (707) 565-1948 or by email at [Dean.Parsons@sonoma-county.org](mailto:Dean.Parsons@sonoma-county.org) for more information.

### **EXISTING FACILITY**

The 2.706-acre site is developed with an existing nutraceuticals manufacturing facility known as Nutradine (formerly Aquadine), which has operated under Use Permit since 2003. The company currently employs nine persons and manufactures fish food and pet supplements, which are primarily agriculturally based. The site's physical improvements consist of: two warehouse/manufacturing structures totaling 19,700 sq. ft., two storage buildings totaling  $\pm 1,300$  sq. ft. (includes the 1,200 sq. ft. storage building constructed without benefit of permit), a  $\pm 1,500$  sq. ft. office/administration building and a  $\pm 1,000$  sq. ft. caretakers unit with attached public restrooms. The site is also developed with a well, septic system and paved parking area. The project site is accessed from Grant School Road, a very low volume road carrying less than 200 vehicles per day.



**PROJECT DESCRIPTION**

The project is the expansion of an existing nutraceuticals manufacturing facility, which produces food supplements for fish and pets. The current facility is limited in the range of products it can produce due to the restriction place on the use because of its agricultural zoning. That is, the Diverse Agricultural (DA) district only allows the manufacturing of products from materials grown on site or in the local area. Therefore, in order to expand the product line, a number of entitlement applications are required. They are: a General Plan Amendment to add a Planning Area Policy to the subject site that allows intensification of the existing use in terms of the range and ingredients of the pet food produced on site. The policy includes development criteria that are similar to the M3 Rural Industrial zoning district. The expanded use would replace an existing ± 9,700 sq. ft. warehouse/ manufacturing building with a new ±20,000 sq. ft. building of the same use and increase the number of employees from 9 to 30 full time employees. The hours of operation would remain unchanged, that is, Monday through Saturday 6 a.m. to 10 p.m. with the bulk of the employees arriving and leaving between 8:00 a.m. and 5:00 p.m.



The purpose of the project is to allow for the manufacturing of an expanded product line. The project would result in the replacement of some of the existing buildings and a general upgrading of a property that has been used industrially for over 70 years. It will also result in an increase in local jobs.

The project site is flat and essentially paved other than approximately one-third of the rear of the site, which is the location of the existing septic system. The project involves the removal and replacement of an existing  $\pm 9,700$  sq. ft. warehouse/manufacturing building with a new 20,000 sq. ft. building. The other existing structures will remain, excepting the caretakers unit. This unit will be converted to non-residential use when the employee count increases above 20. Access is from Grant School Road from an existing driveway cut.

It is anticipated that the project will expand its product line and add some additional employees upon project approval. Construction of the new building will be sometime in the future and would be limited to a maximum of 40,000 square feet and 35 feet in height.

## **SETTING**

The project is located in an area of varying parcel sizes, and land uses. Residentially developed parcels of less than 1 acre to 3 acres exist in the vicinity of the project site. Larger agriculturally productive parcels of ±100 acres exist further to the west and southwest. Surrounding uses include a commercial nursery to the north, an industrial tank and cabinet making business and residential/farm worker housing to the south, NWPRR tracks and State Highway 101 to the east, and residential and vineyard development to the west. The land use designation/zoning is Diverse Agriculture -20 (DA-B6-20). A Scenic Resources (SR) designation exists on parcels along the Highway 101 corridor and parcels within the Windsor-Healdsburg Community Separator. The property drains to the southwest. A blue line creek exists approximately 250 ft. north of the subject property.

## **ISSUES RAISED BY THE PUBLIC OR AGENCIES**

The Sonoma County Transportation and Public Works Department raised concerns regarding commercial truck right-turn movements made to and from Old Redwood Highway at Grant School Road and sight distance from Grant School Road. As discussed under Section 16 below, W-Trans, consulting traffic engineers, have addressed these issues in a report titled Focused Traffic Study for 101 Grant School Road, May 2013.

## **OTHER RELATED PROJECTS**

There are no other related projects that are known or reasonably foreseeable in the vicinity of the project site.

## **RESPONSIBLE AND TRUSTEE AGENCIES**

Sonoma County Permit and Resource Management Department (PRMD)  
Sonoma County Building Inspection Division  
Sonoma County Engineering: Grading and Storm Water Division  
State Department of Public Health California Department of Public Health  
Drinking Water Program  
North Coast Regional Water Quality Control Board (RWQCB)  
Bay Area Air Quality Management District (BAAQMD)  
Northern Sonoma County Air Pollution Control District (NSCAPCD)

## **Initial Study Checklist**

This checklist is taken from Appendix G of the State CEQA Guidelines. For each item, one of four responses is given:

**No Impact: The project would not have the impact described. The**

project may have a beneficial effect, but there is no potential for the project to create or add increment to the impact described.

**Less Than Significant Impact:** The project would have the impact described, but the impact would not be significant. Mitigation is not required, although the project applicant may choose to modify the project to avoid the impacts.

**Potentially Significant Unless Mitigated:** The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.

**Potentially Significant Impact:** The project would have the impact described, and the impact could be significant. The impact cannot be reduced to less than significant by incorporating mitigation measures. An environmental impact report must be prepared for this project.

Each question on the checklist was answered by evaluating the project as proposed, that is, without considering the effect of any added mitigation measures. The checklist includes a discussion of the impacts and mitigation measures that have been identified. Sources used in this Initial Study are numbered and listed on pages 51 and 52.

The Project Applicant has agreed to accept all mitigation measures listed in this checklist as Conditions of Approval of the proposed project and to obtain all necessary permits.

#### **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation" as indicated by the checklist on the following pages.

|   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics              | <input type="checkbox"/> Agricultural & Forest Resources | <input type="checkbox"/> Air Quality             |
| <input type="checkbox"/> Biological Resources               | <input type="checkbox"/> Cultural Resources              | <input type="checkbox"/> Geology/Soils           |
| <input type="checkbox"/> Greenhouse Gas Emission            | <input type="checkbox"/> Hazards & Hazardous Materials   | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use and Planning              | <input type="checkbox"/> Mineral Resources               | <input checked="" type="checkbox"/> Noise        |
| <input type="checkbox"/> Population/Housing                 | <input type="checkbox"/> Public Services                 | <input type="checkbox"/> Recreation              |
| <input checked="" type="checkbox"/> Transportation/Traffic  | <input type="checkbox"/> Utilities/Service Systems       |  |
| <input type="checkbox"/> Mandatory Findings of Significance |  |  |

#### **Incorporated Source Documents**

In preparation of the Initial Study checklist, the following documents were referenced/developed, and are hereby incorporated as part of the Initial Study. All documents are available in the project file or for reference at the Permit and

Environmental Checklist

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Resource Management Department.

- Project Application and Description
- Initial Data Sheet
- County Planning Department's Sources and Criteria Manual
- Sonoma County General Plan and Associated EIR
- Sonoma County Zoning Ordinance
- Specific or Area Plan Study
- Sonoma County Rare Plant Site Identification Study
- Project Referrals from Responsible Agencies
- State and Local Environmental Quality Acts (CEQA)
- Full record of previous hearings on project in File
- Correspondence received on project.
- Other technical reports:
  - Focused Traffic Study for 101 Grant Road: Prepared by W-Trans, Consulting Traffic Engineers. May 6, 2013
  - Greenhouse Gas Study for the Nutradine Plant Expansion: Prepared by ESA Community Development. May 10, 2013

**1. AESTHETICS: *Would the project:***

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| a) Have a substantial adverse effect on a scenic vista? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |

**Comment 1.a:**

The project is within the Windsor-Healdsburg community separator and the State Highway 101 scenic corridor. However, the site is flat, at the end of a ±800 ft. long rural, private road, is significantly below State Highway 101, is and has been nearly fully developed, and is not visible from major public roadway. The site is located in a County-designated Community Separator and the County of Sonoma General Plan has policies addressing development in Community Separators. Consistent with General Plan Policy OSRC-1f, development is required to go through the Design Review process to assure screening and blending of architecture, colors and materials with surrounding vegetation and development. Structures are limited to a maximum height of 35 feet and landscape screening is required to screen the project from Highway 101.

Mitigation 1.a.: A Design Review application is required to be submitted to address project landscaping, lighting and building design. No building permits will be issued until the design is approved by PRMD. Building heights are limited to a maximum of 35 feet, and a maximum of 40,000 square feet of building area is permitted. Visual impacts from Highway 101 shall be mitigated with landscape screening. Building colors and materials will be reviewed through the Design Review Process to ensure that they blend with surrounding vegetation and protect views from the highway.

Mitigation Monitoring: Prior to issuance of a final occupancy permit, PRMD shall inspect the site to ensure compliance with approved plans.

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |

Comment 1.b.: See comment 1.a. above.

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |
| <p>Comment 1.d.: The project is located in a mixed-use area. NWPRR right-of-way and tracks and the Highway 101 freeway exist to the east. A tank and cabinet business is to the south, across Grant School Road. The site has consisted of industrial buildings and uses for over 70 years. A ±9,700 sq. ft. warehouse/storage building will be removed and replaced by a ±20,000 sq. ft. warehouse/ storage building. The proposed building will be constructed within the developed portion of the site excepting a ±25 ft. x ± 90 ft. extension to the north. This extension retains a ±200 ft. separation between the proposed use and the commercial nursery business to the north. Therefore, the separation between the two uses will not be significantly altered. Given the historical use of the property, the existing built environment, and the elevation of the site in relation to the freeway, the additional building square footage will not result in a significant visual impact or significantly alter the character of the surroundings.</p> |                                |   |                              |           |
| Mitigation 1.c: See Mitigation 1.a above.  |                                |   |                              |           |
| Mitigation Monitoring: See Mitigation Monitoring 1.a above.  |                                |   |                              |           |
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime view in the area?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |
| <p>Comment: A lighting plan shall include provisions to prevent light from washing on to adjoining properties.</p>   |                                |   |                              |           |
| Mitigation 1.d.: See 1.a. above  |                                |   |                              |           |



Mitigation Monitoring: See 1.a. above.

## 2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

*Would the project:*

|   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|---|--------------------------------|---|------------------------------|-----------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  |                                |   | X                            |           |
| <p>Comment: According to the UC Davis SoilWeb Interactive Map, the property soil type is Pleasanton gravelly loam (PgB). This soil type is considered prime agricultural soil having a capability index of III, according to the Soil Survey: Sonoma County California Issued May 1972. However the property is ±2.07 acres in size. Over three-quarters of the site has been surfaced and used for industrial production for over 70 years. Although the project will result in an overall increase in lot coverage, the development takes place on previously built and/or disturbed areas. Hence, there is no appreciable loss of agricultural land or a significant a conversion of agricultural use to non-agricultural use.</p> |                                |   |                              |           |
| <p>Mitigation: None required.</p>   |                                |   |                              |           |
| <p>Mitigation Monitoring: None required.</p>  |                                |   |                              |           |
| b) Conflict with existing zoning for  | Potentially Significant        | Less than Significant                               | Less than Significant        | No impact |

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| agricultural use, or Williamson Act Contract?  | Impact                         | with Mitigation Incorporation                       | Impact                       |           |
|  |                                |   | X                            |           |
| <p>Comment: The project site is in the Diverse Agriculture (DA) zoning district. The property requires a General Plan Area Policy to allow expansion of the existing business and expanded product line. As indicated above, although the property is within an agricultural designation and the soils are considered prime farm land, the site is of minimal size, and approximately three-quarters of the site has been dedicated to industrial use for over 70 years. Building expansion will not appreciatively reduce the amount of remaining agricultural land. The site is not under a Williamson Act contract.</p> |                                |   |                              |           |
| <p>Mitigation: None required.</p>  |                                |   |                              |           |
| <p>Mitigation Monitoring: None required.</p>   |                                |   |                              |           |
| c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| <p>Comment: The project is not in or adjacent to forest land or TPZ.</p>   |                                |   |                              |           |
| <p>Mitigation: No mitigation required.</p>   |                                |   |                              |           |
| <p>Mitigation Monitoring: No mitigation required.</p>  |                                |   |                              |           |
| d) Result in the loss of forestland or conversion of forestland to non-forest use?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| <p>Comment: The property is not forest nor is it adjacent to forestland.</p>   |                                |   |                              |           |

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| Mitigation: No mitigation required.  |                                |   |                              |           |
| Mitigation Monitoring: No mitigation monitoring required.  |                                |   |                              |           |
| e) Involve other changes in the existing environment that due to their location or nature could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |
| <p>Comment: The project allows expansion of an existing nutraceuticals business with building replacement up to a maximum of 40,000 square feet and as such could impact the surrounding agriculturally designated area. However, when viewed in context, the eastern boundary of the site is the NWPRR and an elevated section of State Highway 101. The property to the south is ±4.6 acres and developed with a large barrel making and cabinet shop. Properties to the west range from ±.5-acre to 2.5 acres and are developed residentially. The northern boundary is State Highway 101 right-of-way and a ±2.5 acre commercial nursery. The portion of the property closest to the nursery is developed with the septic system and leach fields. This area will remain open. Given the parcel configurations, sizes and existing uses, development limitations, and expanding the manufacturing use will not result in the conversion of viable agricultural land to non-agricultural uses. The project does not involve other changes in the environment that could result in conversion of farmland to non-agricultural use or forestland to non-forest use.</p> |                                |   |                              |           |
| Mitigation: No mitigation required   |                                |   |                              |           |
| Mitigation Monitoring: No mitigation monitoring required   |                                |   |                              |           |

**3. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

*Would the project:*

|  |                                       |  |                                     |                  |
|--|---------------------------------------|--|-------------------------------------|------------------|
| <p>a) Conflict with or obstruct implementation of the applicable air quality plan?</p>   | <p>Potentially Significant Impact</p> | <p>Less than Significant with Mitigation Incorporation</p> | <p>Less than Significant Impact</p> | <p>No impact</p> |
|  |                                       |  | <p>X</p>                            |                  |
| <p>Comment: The Bay Area is a non-attainment area for ozone and PM 10 (fine particulate matter). The project will not have a cumulative effect on ozone because it will generate an additional 51 vehicle trips per day, which is considered an insignificant amount of additional traffic. Therefore, it would not result in significant new emissions of ozone precursors (hydrocarbons and Nox). The project will have no long-term effect on PM 10, because most new construction will take place in existing developed and compacted areas. A Greenhouse Gas Study prepared for the project by ESA found emissions during construction and operations to be far below thresholds of significance.</p> <p>Although less than significant, a standard condition of approval requires the following best management practices in regards to dust control impacts and will be required during construction:</p> <p>The following dust control measures will be incorporated into the project:</p> <p>A. Water or other dust palliative will be applied to unpaved portions of the conversion area, unpaved roads, parking areas, staging areas and stockpiles of soil daily as needed to control dust.</p> <p>B. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.</p> <p>C. Paved roads will be swept as needed to remove any visible soil that has been carried onto them from the project site.</p> |                                       |  |                                     |                  |
| <p>Mitigation: None required.</p>  |                                       |  |                                     |                  |
| <p>Mitigation Monitoring: None required.</p>   |                                       |  |                                     |                  |
| <p>b) Violate any air quality standard or contribute substantially to an existing</p>  | <p>Potentially Significant Impact</p> | <p>Less than Significant with Mitigation Incorporation</p> | <p>Less than Significant Impact</p> | <p>No impact</p> |

|                                     |  |  |   |  |
|-------------------------------------|--|--|---|--|
| or projected air quality violation? |  |  | x |  |
|-------------------------------------|--|--|---|--|

Comment:  
State and federal standards have been established for criteria pollutants and ozone precursors, carbon monoxide, sulfur dioxide and particulates (PM10 and PM2.5). The pollutants NOx (nitrogen oxides) and hydrocarbons form ozone in the atmosphere in the presence of sunlight. Although currently under challenge by the courts, significance thresholds for ozone precursors, carbon monoxide and particulates have been established by BAAQMD. The principal source of ozone precursors is vehicle emissions, although stationary internal combustion engines must also be considered. BAAQMD generally does not recommend detailed NOx and hydrocarbon air quality analysis for projects generating less than 2,000 vehicle trips per day. Given the low traffic generation of the project (70 new trips) relative to the screening criteria, ozone precursor emissions would be less than significant.

Detailed air quality analysis for carbon monoxide is generally not recommended unless a project would generate 10,000 or more vehicle trips a day, or contribute more than 100 vehicles per hour to intersections operating at LOS D, E or F with project traffic. Given the low traffic generation of the project relative to the screening criteria (51 new trips), carbon monoxide emissions would be less than significant.

The Greenhouse Gas Study prepared for the project by ESA found the net increase in GHG emissions to be 128 metric tons per year, which is far below the 1,100 metric tons per year threshold that is used as a guide to measure impact.

Mitigation: None required.

Mitigation Monitoring: None required.

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |

Comment: As indicated the GHG report prepared for the project by ESA, May

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| 2013 found a net emission of 128 metric tons per year. This level of emissions is considered insignificant.  |                                |   |                              |           |
| Mitigation Measure: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| d) Expose sensitive receptors to substantial pollutant concentrations?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |
| Comment: There will be no long-term significant increase in emissions.   |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| e) Create objectionable odors affecting a substantial number of people?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |
| Comment: Construction equipment may generate odors during project construction. The impact would be less than significant and it would be a short-term impact that ceases upon completion of the project. Spirulina, which is grown on site, plus organic powders, nutrients and similar compounds, will be used in the production of pet and fish nutraceuticals. At present, there are no odors emanating from the site. Although the product line will expand, the method of production will remain the same. All items will be manufactured in doors in a strictly controlled environment. As is the existing condition, the expanded product line will not result in the creation of a significant amount of objectionable odors that will impact the neighboring properties. |                                |   |                              |           |
| Mitigation: No mitigation required.  |                                |   |                              |           |
| Mitigation Monitoring:   |                                |   |                              |           |

|  |
|--|
|  |
|--|

**4. BIOLOGICAL RESOURCES: *Would the project:***

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?     | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| <p>Comment: The project is not located in a biologically sensitive site. Building expansion will occur on currently disturbed or built-on areas. The area of the septic system that includes native grasses and some ornamental vegetation will not be disturbed as part of this project.</p>                        |                                |   |                              |           |
| <p>Mitigation: None required.</p>  |                                |   |                              |           |
| <p>Mitigation Monitoring: None required.</p>   |                                |   |                              |           |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| <p>Comment: There is no riparian habitat or other sensitive natural communities identified on local or regional plans that exist on site. The General Plan open space element and zoning district identified the area as containing Valley Oak habitat. However, there is no Valley Oak on the subject property.</p> |                                |   |                              |           |
| <p>Mitigation Measure: None required.</p>  |                                |   |                              |           |

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|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| Mitigation Monitoring: None required.  |                                |   |                              |           |
|  |                                |   |                              |           |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: Development will occur on currently disturbed or built on areas of the site. There are no known wetlands or Waters of the United States.  |                                |   |                              |           |
| Mitigation Measure: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?                                   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: There is very limited vegetation on the subject parcel. Any building expansion will occur on previously disturbed and compacted areas.  |                                |   |                              |           |
| Mitigation: None required  |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| e) Conflict with any local policies or ordinances protecting biological  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              |           |



|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| resources, such as tree preservation policy or ordinance?   |                                |   |                              | X         |
| Comment: The project will not remove any protected trees or impact any vegetation of significance.  |                                |   |                              |           |
| Mitigation: None required.  |                                |   |                              |           |
| Mitigation Monitoring: None required.   |                                |   |                              |           |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   |                              | X         |
| Comment: Habitat conservation plans and natural community conservation plans are site-specific plans to address effects on sensitive species of plants and animals. The project site is not located in an area subject to a habitat conservation plan or natural community conservation plan. |                                |   |                              |           |
| Mitigation: None required.  |                                |   |                              |           |
| Mitigation Monitoring: None required.   |                                |   |                              |           |

**5. CULTURAL RESOURCES: *Would the project:***

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: Impacts to historical resources were reviewed under the Negative                                  |                                |   |                              |           |

Declaration prepared and sent to the state Clearing House on 5/30/03 for the original Use Permit. The current project requests an expansion of product type, building footprint and number of employees. The area of building expansion is covered by existing buildings, paved or fully compacted. There are no known historical resources on site. The project will not result in significant disturbance to the site.

Mitigation 5.a.: None required.

Mitigation Monitoring: None required.

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |

Comment: There are no known archaeological resources on the site and the project will result in very little disturbance of areas of the site that are not covered by buildings or paving. However, should archaeological materials be uncovered during construction, the following measure will reduce the impact to less than significant.

All building and/or grading permits shall have the following note printed on plan sheets:

"In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County PRMD Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to PRMD. PRMD staff may consult and/or notify the appropriate tribal representative from tribes known to PRMD to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by products of human land use greater than 50 years of age including trash pits older than fifty years of age. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to

determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. PRMD may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by PRMD Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed.

Mitigation Measure 5.b.: None Required.

Mitigation Monitoring: None Required.

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   |                              | X         |

Comment: Based on the previous review, the physical conditions of the site and the absence of unique geologic features, it was determined that the site did not contain a paleontological resource, be a paleontological site or contain any unique geological features.

Mitigation: None required.

Mitigation Monitoring: None required.

|   |                                |                                       |                              |           |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| d) Disturb any human remains, including those interred outside of | Potentially Significant Impact | Less than Significant with Mitigation | Less than Significant Impact | No impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|

|   |  |               |   |  |
|---|--|---------------|---|--|
| formal cemeteries?  |  | Incorporation |   |  |
|   |  |               | X |  |
| <p>Comment: No burial sites are known in the vicinity of the project, and most of the project site has already been disturbed by past construction. In the event that human remains are unearthed during construction, state law requires that the County Coroner be notified to investigate the nature and circumstances of the discovery. At the time of discovery, work in the immediate vicinity would cease until the Coroner permitted work to proceed. If the remains were determined to be prehistoric, the find would be treated as an archaeological site. See standard condition of approval to be applied to the project in 5.b. above.</p> |  |               |   |  |
| <p>Mitigation 5.d.: None Required.</p>  |  |               |   |  |
| <p>Mitigation Monitoring: None Required.</p>  |  |               |   |  |

**6. GEOLOGY AND SOILS: *Would the project:***

| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|---|--------------------------------|---|------------------------------|-----------|
| <p>i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</p> |                                |   |                              | X         |
| <p>Comment: The project site is not within a fault hazard zone as defined by the Alquist-Priolo fault maps.</p>   |                                |   |                              |           |
| <p>Mitigation: None required.</p>   |                                |   |                              |           |

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| ii. Strong seismic ground shaking?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |
| <p>Comment: All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. According to the Sonoma County General Plan 2035 Safety Policies map, the project site is not within a High or Very High seismic shaking area. Predicting seismic events is not possible, nor is providing mitigation that can entirely reduce the potential for injury and damage that can occur during a seismic event. However, using accepted geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. Project conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements. The project would therefore not expose people to substantial risk of injury from seismic shaking.</p> |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| iii. Seismic-related ground failure, including liquefaction?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |
| <p>Comment: According to the Sonoma County General Plan 2035 Safety Policies map, the project site is within an area of potential liquefaction. The majority of the County is so identified. Compliance with all applicable standard building permit requirements will ensure that the project will not result in risk of loss, injury or death from seismic ground failure due to liquefaction.</p>   |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| Mitigation Measures: None required.  |                                |   |                              |           |
| iv. Landslides?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: The project site is not located in a landslide prone area as shown on Geology for Planning in Sonoma County Special Report 120 Slope Stability.   |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| b) Result in substantial soil erosion or the loss of topsoil?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: The area of development is almost entirely paved and the site is essentially flat.  |                                |   |                              |           |
| Mitigation Measure: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
|  |                                |   |                              |           |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |

|              |  |  |  |  |
|--------------|--|--|--|--|
| or collapse? |  |  |  |  |
|--------------|--|--|--|--|

Comment: The project site is not located in a geologically unstable area and the project involves minimal ground disturbance.

Mitigation: None required.

Mitigation Monitoring: None required.

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |

Comment: The project is not located on expansive soils and involves little expansion to an existing building footprint.

Mitigation: None required.

Mitigation Measures: None required.

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |

Comment: The project intends to utilize the existing septic system which is designed to accommodate a maximum of 450 gallons per day. To increase the total number of employees to 30, the applicant proposes to decommission the existing caretaker unit so that septic flows do not exceed the capacity of the existing septic system. Based on a review of the existing septic system, it appears that the proposed decommissioning of the caretaker unit will allow the existing septic system to accommodate the proposed 30 employees. A standard project condition requires all septic standards of the County and the North Coast Regional Water Quality Control Board to be met. Prior to building permit issuance and vesting the Use Permit, the project is conditioned to have a

capacity/wastewater flow analysis prepared and documentation of proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel.

Mitigation: The project is conditioned to allow a maximum of 30 employees on site at one time.

Mitigation Monitoring: If an excess of 30 employees are located on site and the septic system fails, PRMD will take appropriate measures to assure that the site has a safely operating septic system. Any violation to the maximum number of employees on site could result in revocation of the Use Permit at a noticed public hearing.

**7. GREENHOUSE GAS EMISSIONS: *Would the project:***

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |

Comment: Greenhouse Gas Emissions (GHG) - Greenhouse gases trap heat in the atmosphere. Increases in greenhouse gases due to human activity are associated with Global Climate Change (aka "Global Warming"), that is, the change in the average weather on earth, as measured by wind patterns, storms, precipitation and temperature. The primary greenhouse gases are CO<sub>2</sub>, methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). Considered the most important greenhouse gas, CO<sub>2</sub> is the reference gas for climate change and emissions of greenhouse gases in general are often reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e).

The California Air Resources Board ("CARB") is required by the Global Warming Solutions Act of 2006 to design and implement emissions limits, regulations, and other statewide measures to reduce statewide greenhouse gas emissions to 1990 levels by 2020. The Act does not indicate what role local land use planning should play in the statewide strategy or how environmental review under CEQA



is implicated. In October 2007, CARB published the Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California Recommended for Board Consideration. None of the early action measures address how local agencies should address greenhouse gas emissions associated with land use applications.

By July 1, 2009 the State Office of Planning and Research was required to provide thresholds of significance for GHGs and transmit them to the Resources Agency for adoption no later than January 1, 2010. As indicated by the Governor's letter to the Senate on signing the Act, the development of CEQA significance thresholds should be guided by the appropriate responsible agencies to achieve a standardized approach consistent with the state law. This is critical given the complexity of global climate change and the State's role in directing Californians' response to this environmental issue. Therefore it is speculative at this time to generate a local threshold of significance before such levels are determined on a statewide basis.

Regarding local efforts on GHG reductions, the Sonoma County Board of Supervisors recently adopted the Sonoma County Climate Protection Campaign, which sets a target to reduce GHG emissions to 25% below 1990 levels by the year 2015. The County has completed the first two of five steps in the campaign. The next step is to complete the Community Climate Action Plan (the blueprint to help Sonoma County achieve this emissions target) and then implement the actions in the Plan and develop an on-going monitoring process to ensure that the County meets its reduction target.

For purposes of the Negative Declaration, the project would be considered to have a significant impact on greenhouse gases if it would conflict with the state goal of reducing greenhouse gas emissions in California to 1990 levels by 2020, as set forth by the California Global Warming Solutions Act of 2006. There is currently no indication that the project would conflict with the Act's timeline. In addition, the County's Climate Protection Campaign has yet to establish emissions targets to reduce GHG in Sonoma County. However, the Climate Protection Campaign has provided a list of projects that are effective and under local control that will reduce Greenhouse Gases if they are implemented. The Plan's solutions involve four major categories: 1. Improve efficiency in energy and water use; 2. Shift transportation from fossil fuel vehicles to transit, walking, bicycling, etc.; 3. Invest in local renewable energy sources; 4. Protect forests and farmlands, sequester carbon, and convert waste into energy. The inclusion of these types of activities in this project will ensure that there is not a cumulative contribution to Greenhouse Gas emissions as a result of this project.

On November 4, 2008 the Sonoma County Board of Supervisors adopted a

resolution selecting the Build it Green (BIG) New Home Construction, Home Remodeling and Multifamily Green Building Guidelines for Residential Construction, and Leadership in Energy and Environmental Design (LEED®) Commercial Green Building System for Commercial Construction guidelines, along with their respective Green Points Checklists, set compliance thresholds, and directed staff to develop a green building ordinance based on these guidelines.

On November 2, 2010, the Board of Supervisors approved all state mandated model codes including the new California Green Building Standards Code (CalGreen). Sonoma County's existing green building ordinance and energy efficiency ordinance were modified to accommodate the new CalGreen code, and to replace the existing green point rated systems, Build-It-Green and LEED for both new residential and non-residential construction respectively. The ordinances became effective January 1, 2011. Compliance with this ordinance meets the aforementioned state regulations. The following mitigation measures reflect the provisions of this ordinance.

Building plans shall incorporate standards required under CalGreen and Sonoma County green building ordinances.

Mitigation: None required.

Mitigation Monitoring: None required.

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |

Comment: A Greenhouse Gas Study was prepared for the project by ESA, May 2013. The amount of emissions per year (128 metric tons) is considered minimal in relation to the operational threshold (1,100 metric tons) used to assess potential impact.

Mitigation: None required.

Mitigation Monitoring: None required.

**8. HAZARDS AND HAZARDOUS MATERIALS: *Would the project:***

|  |                                       |  |                                     |                  |
|--|---------------------------------------|--|-------------------------------------|------------------|
| <p>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</p>   | <p>Potentially Significant Impact</p> | <p>Less than Significant with Mitigation Incorporation</p> | <p>Less than Significant Impact</p> | <p>No impact</p> |
|  |                                       |  |                                     | X                |
| <p>Comment: Hazardous materials are not employed in the manufacturing of pet and fish nutraceuticals.</p>  |                                       |  |                                     |                  |
| <p>Mitigation Measure: None required.</p>  |                                       |  |                                     |                  |
| <p>Mitigation Monitoring: None required.</p>   |                                       |  |                                     |                  |
| <p>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</p> | <p>Potentially Significant Impact</p> | <p>Less than Significant with Mitigation Incorporation</p> | <p>Less than Significant Impact</p> | <p>No impact</p> |
|  |                                       |  |                                     | X                |
| <p>Comment: See comment under "Comment" in 8.a above.</p>  |                                       |  |                                     |                  |
| <p>Mitigation: None required.</p>  |                                       |  |                                     |                  |
| <p>Mitigation Monitoring: None required.</p>   |                                       |  |                                     |                  |
| <p>c) Emit hazardous emissions or handle hazardous or acutely hazardous</p>  | <p>Potentially Significant Impact</p> | <p>Less than Significant with Mitigation Incorporation</p> | <p>Less than Significant Impact</p> | <p>No impact</p> |

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| <p>materials, substances, or waste within one-quarter mile of an existing or proposed school?</p>  |                                |   |                              | X         |
| <p>Comment: There are no existing or proposed schools within 0.25 miles of the project site.</p>   |                                |   |                              |           |
| <p>Mitigation: None required.</p>  |                                |   |                              |           |
| <p>Mitigation Monitoring: None required.</p>   |                                |   |                              |           |
| <p>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</p>  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| <p>Comment: The project site was not identified on, or in the vicinity of, any parcels on lists compiled by the California Environmental Protection Agency, Regional Water Quality Control Board, California Department of Toxic Substances, and the California Integrated Waste management Board.</p> |                                |   |                              |           |
| <p>Mitigation: None required.</p>  |                                |   |                              |           |
| <p>Mitigation Monitoring: None required.</p>   |                                |   |                              |           |
| <p>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</p>                                | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| <p>Comment: The project site is not within the referral area of the Healdsburg Municipal Airport.</p>  |                                |   |                              |           |

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: The project is not located within the vicinity of a private airstrip.   |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: There is no separate emergency evacuation plan for the County. In any case, the project would not significantly change existing circulation patterns, and therefore not disrupt or interfere with emergency evacuation. |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas of where residences are intermixed with wildlands?             | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |

Comment:

The project would not expose people to risk from wildland fires. It will not construct buildings that would be occupied by people or structures that would be affected by wildland fires. The project site is not within a designated urban wildland zone.

**9. HYDROLOGY AND WATER QUALITY: *Would the project:***

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| a) Violate any water quality standards or waste discharge requirements? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |

Comment: The project currently operates under a Waiver of Waste Discharge Requirements from the North Coast Regional Water Quality Control Board. The 5,100-gallon above ground pond for the propagation of Spirulina will not change as a result of this application. The project will also use Low Impact Development (LID) and best management practices (BMPs) where applicable. Given the limited size of the project a General Storm Water permit will not be required.

Mitigation: None required.

Mitigation Monitoring: None required.

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   |                              | X         |

Comment: The project is located in a Zone 1 Ground Water Availability Zone. The project includes a minimal increase to the amount of impervious surface

over the site's existing condition. Therefore, due to the limited size of the project and the minor increase in paved area, it is not expected that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level resulting from the project.

Mitigations: None required.

Mitigation Monitoring: None required.

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |

Comment: The project will result in limited site alteration. Building expansion will take place essentially within the footprint of existing buildings. The majority of the development zone is currently paved. Development plans shall be reviewed by the Building and Grading Division to assure adequacy of on-site and off-site drainage.

Mitigation: None required.

Mitigation Monitoring: None required.

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |

Comment: The project results in minimal increase in site coverage and would not alter the existing drainage pattern of the site.

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| Mitigation: None required.  |                                |   |                              |           |
| Mitigation Monitoring: None required.   |                                |   |                              |           |
| e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?             | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |
| Comment: See comment in 9. C and d above.   |                                |   |                              |           |
| Mitigation: None required.  |                                |   |                              |           |
| Mitigation Monitoring: None required.   |                                |   |                              |           |
| f) Otherwise substantially degrade water quality?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |
| Comment: The project does not involve substantial physical changes to the drainage pattern or contribute significant amounts of run-off that could result in substantially degrading water quality. |                                |   |                              |           |
| Mitigation: None required.  |                                |   |                              |           |
| Mitigation Monitoring: None required.   |                                |   |                              |           |
| g) Place housing within a 100-year hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?                                      | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   |                              | X         |



|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| Comment: The project site is not located within a flood hazard area.   |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| h) Place structures within a 100-year flood hazard area, which would impede or redirect flood flows?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: The project site is not located within a flood hazard area.   |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: The project site is not located in an area subject to flooding as a result of dam failure.  |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| j) Inundation by seiche, tsunami, or mudflow?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |

|   |
|---|
| Comment: The project site is not located in an area subject to seiche or tsunami. Heavy rainfall, earthquakes or volcanic eruption can trigger mudflow. However, the project site is not located on steep slopes or in an area prone to landslides. |
| Mitigation: None required.  |
| Mitigation Monitoring; None required.   |

**10. LAND USE AND PLANNING: *Would the project***

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| a) Physically divide an established community?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   |                              | X         |
| Comment: The project would not divide a community.  |                                |   |                              |           |
| Mitigation: None required.  |                                |   |                              |           |
| Mitigation Monitoring: None required.   |                                |   |                              |           |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |
| Comment: The project includes a General Plan Amendment to apply a Planning Area policy to the subject site in order to achieve consistency with the General Plan and Zoning Designation. Given the historic and existing use of the site, the project will not result in a loss of agricultural land nor result in the conversion of agricultural use to non-agricultural use. Given that the property is intensely developed with existing industrial-type buildings and the proposed project will not |                                |   |                              |           |

significantly increase site coverage, the Planning Area Policy provides both General Plan and Zoning consistency. The policy and project conditions of approval include requirements for Design Review for future development within the Community Separator, development restrictions, a 35 foot maximum building height and maximum 40,000 square feet of building area.

Mitigation: See Mitigation 1.a above.

Mitigation Monitoring: See Mitigation Monitoring 1.a above.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Potentially Significant Impact

Less than Significant with Mitigation Incorporation

Less than Significant Impact

No impact

X

Comment: Habitat conservation plans and natural community conservation plans are site-specific plans to address effects on sensitive species of plants and animals. The project site is not located in an area subject to a habitat conservation plan or natural community conservation plan. Furthermore, the project results in negligible removal of on-site vegetation.

Mitigation: None required.

Mitigation Monitoring: None required.

**11. MINERAL RESOURCES: *Would the project:***

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Potentially Significant Impact

Less than Significant with Mitigation Incorporation

Less than Significant Impact

No impact

X

Comment: There is no known mineral resource on or in the vicinity of the project site.

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| Mitigation: None required.  |                                |   |                              |           |
| Mitigation Monitoring: None required.   |                                |   |                              |           |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   |                              | X         |
| Comment: The project site is not within a mineral resource recovery site.   |                                |   |                              |           |
| Mitigation: None required.  |                                |   |                              |           |
| Mitigation Monitoring: None required.   |                                |   |                              |           |

**12. NOISE: *Would the project:***

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |
| <p>Comment: NWPRR tracks and an elevated section of State Highway 101 form the site's eastern boundary. According to the Noise Element in General Plan and the noise section in the General Plan 2020 FEIR, these improvements are considered noise generators. The existing and proposed expanded use is a low noise generating use. Based on an on-site inspection, the manufacturing equipment, which is located within an enclosed building, is not audible from the exterior of the building. Any new equipment necessitated by the expanded product line would be similar in nature. Furthermore, the use only operates during the day. The increase in truck deliveries and employee vehicles are considered minimal, that is, an additional 3 truck trips and 51 vehicles per day at full build out. Ambient noise will be the predominant noise. Furthermore, the Noise Element of the Sonoma County General Plan establishes goals, objectives and policies including performance standards to regulate noise affecting</p> |                                |   |                              |           |

residential and other sensitive receptors. The general plan sets separate standards for transportation noise and for noise from non-transportation land uses. The project will adhere to the noise standards set forth in Table NE-2 of the General Plan.

Mitigation 12. a.: Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

| Hourly Noise Metric <sup>1</sup> , dBA   | Daytime<br>(7 a.m. to 10 p.m.) | Nighttime<br>(10 p.m. to 7 a.m.) |
|--|--------------------------------|----------------------------------|
| L <sub>50</sub> (30 minutes in any hour) | 50                             | 45                               |
| L <sub>25</sub> (15 minutes in any hour) | 55                             | 50                               |
| L <sub>08</sub> (5 minutes in any hour)  | 60                             | 55                               |
| L <sub>02</sub> (1 minute in any hour)   | 65                             | 60                               |

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L<sub>50</sub> is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L<sub>02</sub> is the sound level exceeded 1 minute in any hour.

Mitigation Monitoring: PRMD staff will investigate noise complaints. If violations are found, PRMD shall seek voluntary compliance from the permit holder. If noise continues, PRMD may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |

Comment: The project includes construction activities that may generate ground borne vibration and noise. These levels would not be significant because they would be short-term and temporary, and would be limited to daytime hours. There are no other activities or uses associated with the project that would expose persons to or generate excessive ground borne vibration or ground borne

|   |                                       |  |                                     |                  |
|---|---------------------------------------|--|-------------------------------------|------------------|
| noise levels.   |                                       |  |                                     |                  |
| <p>Mitigation 12.b.</p> <p>Construction activities for this project shall be restricted as follows:</p> <p>a. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on Saturdays. No construction work shall occur on Sundays or holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.</p> <p>b. There will be no start up of machines or equipment prior to 7:00 a.m., Monday through Friday, or 9:00 a.m. on Saturdays; no delivery of materials or equipment prior to 7:00 a.m. nor past 7:00 p.m., Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on Saturdays. There shall be no servicing of equipment past 7:00 p.m., Monday through Friday. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.</p> |                                       |  |                                     |                  |
| <p>Mitigation Monitoring: All contractors and sub-contractors shall be notified of the hours of operation. In the event that PRMD receives complaints about construction noise, the developer shall work with PRMD in a prompt manner to address legitimate noise complaints.</p>   |                                       |  |                                     |                  |
| <p>b. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</p>   | <p>Potentially Significant Impact</p> | <p>Less than Significant with Mitigation Incorporation</p> | <p>Less than Significant Impact</p> | <p>No impact</p> |
|   |                                       |  |                                     | <p>X</p>         |
| <p>Comment: The project will not add to the ambient noise levels.</p>   |                                       |  |                                     |                  |
| <p>Mitigation: None required.</p>   |                                       |  |                                     |                  |
| <p>Mitigation Monitoring: None required.</p>  |                                       |  |                                     |                  |

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|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |
| <p>Comment:<br/>The project involves construction activity. The impact of the potential increase in ambient noise can be control through the restriction on the hours of construction activity.</p>   |                                |   |                              |           |
| Mitigation Measure 12.d.: See Mitigation 12. b  |                                |   |                              |           |
| Mitigation Monitoring: See Mitigation Monitoring 12. b  |                                |   |                              |           |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   |                              | X         |
| <p>Comment: The project is not within an airport land use area or within two miles of a public airport.</p>   |                                |   |                              |           |
| Mitigation: None required.  |                                |   |                              |           |
| Mitigation Monitoring: None required.   |                                |   |                              |           |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   |                              | X         |
| <p>Comment: The project is not within the vicinity of a private airstrip.</p>   |                                |   |                              |           |
| Mitigation: None required.  |                                |   |                              |           |
| Mitigation Monitoring: None required.   |                                |   |                              |           |

**13. POPULATION AND HOUSING: *Would the project:***

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   |                              | X         |
| Comment: The project does not include construction of homes, expanded infrastructure or the degree of business growth that would not induce substantial population growth.  |                                |   |                              |           |
| Mitigation: None required.  |                                |   |                              |           |
| Mitigation Monitoring: None required.   |                                |   |                              |           |
| b) Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |
| Comment: The residential status of the caretaker unit will be eliminated. The loss of a single caretakers unit is not considered a substantial decrease in housing. In lieu housing fees are required at the time of building permit issuance for the replacement building. |                                |   |                              |           |
| Mitigation: None required.  |                                |   |                              |           |
| Mitigation Measures: None required.   |                                |   |                              |           |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |
| Comment: One caretaker's unit will be displaced by the project when the unit is decommissioned as a residence. As a standard condition of approval, in lieu   |                                |   |                              |           |



|   |
|---|
| housing fees are required at the time of building permit issuance for the replacement building. |
| Mitigation: None required.  |
| Mitigation Monitoring: None required.   |

**14. PUBLIC SERVICES: *Would the project:***

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services: | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: Construction of the project would not involve substantial adverse physical impacts associated with provision of government facilities and the impact would be less than significant.  |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring:   |                                |   |                              |           |
| i. Fire protection?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |
| Comment: The County Fire Marshal reviewed the project description and requires that it comply with Fire Safe Standards, including fire protection  |                                |   |                              |           |

methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management and management of flammable or combustible liquids and gases.

Mitigation: The PRMD shall review all building construction plans for compliance with the Sonoma County Fire Safe Standards.

Mitigation Monitoring: The PRMD shall review and inspect the project for compliance with Fire Safe Standards prior to issuing a Final Occupancy permit.

|             |                                |   |                              |           |
|-------------|--------------------------------|---|------------------------------|-----------|
| ii. Police? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|             |                                |   | X                            |           |

Comment: The Sonoma County Sheriff will continue to serve this area. There will be no increased need for police protection resulting from the modest expansion of an existing pet and fish nutraceuticals company.

Mitigation: None required.

Mitigation Monitoring: None required.

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| iii. Schools, parks, or other public facilities? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |

Comment: Development fees to offset potential impacts to public services include school and park mitigation fees. All mitigation fees shall be paid at the time of Building Inspection Permit.

Mitigation: None Required.

Mitigation Monitoring: None Required.

|            |                                |   |                              |           |
|------------|--------------------------------|---|------------------------------|-----------|
| iv. Parks? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|            |                                |   |                              |           |

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
|  |                                |   | X                            |           |
| Comment: Development fees to offset potential impacts to public services include school and park mitigation fees. All mitigation fees shall be paid at time of Building Inspection Permit as a standard condition of approval. |                                |   |                              |           |
| Mitigation: None Required.   |                                |   |                              |           |
| Mitigation Monitoring: None Required.  |                                |   |                              |           |
| v. Other public facilities?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: There are no other known public facilities that would be potentially impacted by the project.   |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |

**15. RECREATION: *Would the project:***

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: The proposed project would not involve activities that would cause or accelerate substantial physical deterioration of parks or recreational facilities.  |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |

Comment:  
 See item 15.a. above.

**16. TRANSPORTATION / TRAFFIC: *Would the project:***

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |

Comment:

A Traffic Study was prepared for the project by W-Trans, consulting traffic engineers. For the project which reviewed all existing policy and all possible safety impacts related to vehicles and bicycles. It is estimated that the project will generate an additional 10 am and 10 pm peak hour trips, which will not impact the existing Level of Service on Old Redwood Highway. In addition, the Traffic Study found that Grant School Road is an extremely low volume road and the proposed increase in trips can be accommodated.

Sight distance to bicyclists along Old Redwood Highway is adequate in both directions to meet the recommended guidelines and therefore the project will not result in any new impacts to transit systems.

The traffic generated by the project, 10 peak hour trips, will not impact the

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| existing Level of Service on Old Redwood Highway. According to the traffic report prepared for the project Grant School Road is an extremely low volume road and the proposed increase can be accommodated.  |                                |   |                              |           |
| Mitigation Measure: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: There is no congestion management plan designed for this area.  |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| c) Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: The project is not within an air traffic zone.  |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |

Comment: The Sonoma County Department of Transportation and Public Works raised a concern about the ability of 40-ft. long trucks used by Nutradine being able to safely make turning movements at the Grant School Road/ Old Redwood Highway intersection. This issue was analyzed in the Traffic Study. The existing facility was videotaped to view large trucks on approach and on exit. The video and the analysis concluded that safe-turning movements could be made and the need for left-turn channelization in the form of a left-turn pocket on Old Redwood Highway at Grant School Road is not warranted.

Mitigation Measure: None required.

Mitigation Monitoring: None required.

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| e) Result in inadequate emergency access? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |

Comment: The project will add 10 new trips during the morning peak hour and 10 trips during the evening peak hour. Impacts associated with these additional trips will not have a significant impact on emergency vehicle access.

Mitigation Measure: None required.

Mitigation Monitoring: None required.

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |

Comment: The Traffic Study reviewed the project in relation to the Circulation and Transit Element of the Sonoma County General Plan and the Sonoma

County 2010 Bicycle and Pedestrian Plan, which designates Old Redwood Highway as an existing Class II facility. The Traffic Study found that there is adequate site distance from Grant School Rd to view bicyclist along Old Redwood Highway. The small increase in the number of vehicle trips will not impact this site distance or safety of the roadways.

The project will be conditioned to provide bicycle parking consistent with the 2010 Bicycle and Pedestrian Plan.

Mitigation: None required

Mitigation Monitoring: None required

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| g) Result in inadequate parking capacity? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   | X                            |           |

Comment: The site cannot accommodate 30 standard parking spaces, as required by the Zoning Code. The project includes a requirement for "tandem" parking. Employees will park tandem, which is feasible at this site because employees come and go at the same time every day and do not leave the site for lunch or breaks. Additionally, no customers are coming and going to this site so the business can manage employee parking on-site. The project also includes a condition requiring eight bicycle parking spaces which will encourage employees to bike to work.

Mitigation: The Design Review application shall include tandem parking plan. No building permits shall be issued until the parking plan is reviewed and approved by PRMD.

Mitigation Monitoring: PRMD staff will verify that the site has been developed in accordance with the approved site plan prior to issuance of a Final Occupancy permit.

**17. UTILITIES AND SERVICE SYSTEMS: *Would the project:***

| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|--|--------------------------------|---|------------------------------|-----------|
|  |                                |   | X                            |           |
| <p>Comment: The use, as proposed, can be serviced with the existing septic system provided that employees are limited to a maximum of 30. The current facility operates under a Waiver of Waste Discharge Requirements from the North Coast Region RWQCB. Application, if necessary, to the RWQCB shall be made. Standard conditions of approval also require the project proponent to comply with all applicable wastewater treatment requirements of the North Coast Regional Water Quality Control Board.</p> |                                |   |                              |           |
| <p>Mitigation: The project proponent shall comply with all applicable wastewater treatment requirements of the North Coast Region Regional Water Quality Control Board and shall be limited to a maximum of 30 employees.</p>  |                                |   |                              |           |
| <p>Mitigation Monitoring: If the number of on-site employees exceeds 30 then the facility is a violation of the Use Permit and subject to revocation at a public hearing.</p>  |                                |   |                              |           |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |
| <p>Comment: The existing waste disposal system can accommodate the project. The caretaker's unit will be converted to a non-residential use.</p>   |                                |   |                              |           |
| <p>Mitigation: See 17.a above</p>  |                                |   |                              |           |
| <p>Mitigation Monitoring: see 17.a above.</p>  |                                |   |                              |           |



|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                      | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   | X                            |           |
| Comment: The building expansion will occur almost entirely on currently built or paved areas. There will be no appreciable increase in storm water run-off.  |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: The project can be served with the existing on-site water well.   |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |
| Mitigation Monitoring: None required.  |                                |   |                              |           |
| e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| Comment: The project is on private well.   |                                |   |                              |           |
| Mitigation: None required.   |                                |   |                              |           |

|   |                                |   |                              |           |
|---|--------------------------------|---|------------------------------|-----------|
| Mitigation Monitoring: None required.   |                                |   |                              |           |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   |                              | X         |
| Comment: Sonoma County has a solid waste management program in place that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the waste that will result from the proposed project. |                                |   |                              |           |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|   |                                |   |                              | X         |
| Comment: Sonoma County has access to adequate permitted landfill capacity to serve the proposed project.  |                                |   |                              |           |
| Mitigation: None required.  |                                |   |                              |           |
| Mitigation Monitoring: None required.   |                                |   |                              |           |

**18. MANDATORY FINDINGS OF SIGNIFICANCE**

|  |                                       |  |                                     |                  |
|--|---------------------------------------|--|-------------------------------------|------------------|
| <p>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>  | <p>Potentially Significant Impact</p> | <p>Less than Significant with Mitigation Incorporation</p> | <p>Less than Significant Impact</p> | <p>No impact</p> |
|  |                                       |  |                                     | <p>X</p>         |
|  |                                       |  |                                     |                  |
| <p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>  | <p>Potentially Significant Impact</p> | <p>Less than Significant with Mitigation Incorporation</p> | <p>Less than Significant Impact</p> | <p>No impact</p> |
|  |                                       |  |                                     | <p>X</p>         |
| <p>Comment: The project does not have cumulatively considerable impacts. Traffic impacts have been determined not to have a significant impact and existing road configurations allow safe turning movements for truck traffic. The visual impacts of the project as viewed from Highway 101 are not significant because project mitigation measures require design review to address visual impacts from the highway. The project is conditioned to a maximum of 40,000 square feet of building area and 30 employees. Any development beyond these limitations would require a new Use Permit and environmental review. Therefore the project is not considered to be cumulatively considerable.</p> |                                       |  |                                     |                  |

|  |                                |   |                              |           |
|--|--------------------------------|---|------------------------------|-----------|
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?                             | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No impact |
|  |                                |   |                              | X         |
| <p>Comment: The project consists of existing uses and a small expansion which will have no impact to the environment or humans within the vicinity or Sonoma County.</p> |                                |   |                              |           |

**Sources**

1. PRMD staff evaluation based on review of the project site and project description.
2. PRMD staff evaluation of impact based on past experience with construction projects.
3. Sonoma County Important Farmland Map 1996. California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program.
4. Assessor's Parcel Maps
5. BAAQMD CEQA Guidelines; Bay Area Air Quality Management District; April 1999; California Air Resources Board (CARB) <http://www.arb.ca.gov/>
6. California Natural Diversity Database, California Department of Fish & Game.
7. Sonoma County General Plan 2020 (as amended), Sonoma County Board of Supervisors, September 23, 2008.
8. California Environmental Protection Agency - <http://www.calepa.ca.gov/SiteCleanup/corteseList/default.htm>; California Regional Water Quality Control Board - <http://geotracker.swrcb.ca.gov/>; California Dept of Toxic Substances Control [http://www.dtsc.ca.gov/database/calsites/cortese\\_list.cfm](http://www.dtsc.ca.gov/database/calsites/cortese_list.cfm), and Integrated Waste Management Board - <http://www.ciwmb.ca.gov/SWIS/Search.asp>
9. Alquist-Priolo Special Studies Zones; State of California; 1983.
10. Flood Insurance Rate Maps, Federal Emergency Management Agency.
11. Special Report 120, California Division of Mines and Geology; 1980.

12. General Plan Consistency Determination, (65402 Review), Sonoma County Permit & Resource Management Department.
13. Standard Specifications, State of California Department of Transportation, available online: <http://www.dot.ca.gov/hq/esc/oe/specs.html>
14. American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices, Pruning (ANSI A300 (Part 1)-2008 Pruning), American National Standard Institute (ANSI) and National Arborist Association (NAA), 2008;
15. Best Management Practices: Tree Pruning, International Society of Arboriculture (ISA), 2008.
16. Tree Protection and Replacement Ordinance (Ordinance No. 4014); Sonoma County.
17. Valley Oak Protection Ordinance (Ordinance No. 4991); Sonoma County, December 1996.
18. Heritage or Landmark Tree Ordinance (Ordinance No. 3651); Sonoma County.
19. Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments; May 1995.
20. Soil Survey of Sonoma County, California, Sonoma County, U.S. Department of Agriculture; 1972.
21. Evaluation of Groundwater Resources, California Department of Water Resources; 1975.
22. Sonoma County Congestion Management Program, Sonoma County Transportation Authority; December 18, 1995.
23. Sonoma County Airport Land Use Plan.
24. Sonoma County Bikeways Plan, Sonoma County Permit and Resource Management Department, August 24, 2010.



2600 Capitol Avenue  
Suite 200  
Sacramento, CA 95816  
916.564.4500 phone  
916.564.4501 fax

www.esassoc.com

May 10, 2013

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PERMIT AND RESOURCE  
MANAGEMENT DEPARTMENT

Ms. Jean Kapolchok  
J. Kapolchok & Associates  
843 2<sup>nd</sup> Street  
Santa Rosa, California 95404

### **Greenhouse Gas Study for the Nutradine Plant Expansion**

Dear Jean,

ESA has completed a Greenhouse Gas (GHG) assessment of Nutradine, Inc.'s proposed manufacturing plant expansion. The facility is located at 101 Grant School Road south of Healdsburg, California in Sonoma County. The analysis evaluates the temporary increase in GHGs associated with construction, and the permanent GHG increase resulting from project operation. This letter report summarizes the results of ESA's GHG assessment.

#### **Project Description**

Nutradine, Inc. is proposing to expand their existing manufacturing operation by adding a new product line. This expansion will use various products in the processing and manufacturing of an expanded line of pet nutraceuticals. Nutradine's expansion will increase manufacturing operations from 24,360 to 37,660 square feet, the number of employees from 9 to 30, and the number of daily vehicle trips by 51.

#### **GHG Methodology**

The GHG assessment was completed using methodologies and models recommended by the Bay Area Air Quality Management District (BAAQMD) and the Northern Sonoma County Air Pollution Control District. Construction and operational emissions were estimated using project specific information, including trip generation rates included in the May 6, 2013 Focused Traffic Study for 101 Grant School Road prepared by W-Trans, and on default values included in the air quality models used for this analysis.

GHG modeling was conducted using the URBEMIS2007 model and the BAAQMD's BGM model. BAAQMD's GHG significance thresholds were used to evaluate the significance of the project's emissions. BAAQMD has established a significance threshold of 1,100 metric tons CO<sub>2</sub>e per year for operational emissions<sup>1</sup>. Since BAAQMD has not established a GHG significance threshold for construction, the operational threshold of 1,100 metric tons CO<sub>2</sub>e is also used to evaluate the significance of the project's construction emissions.

### **GHG Emissions**

#### *Construction*

Project construction would increase emissions by approximately 50 metric tons of CO<sub>2</sub>e per year (see Table 1). All construction is assumed to occur in 2014. The project's construction emissions would be well below BAAQMD's operational significance threshold of 1,100 metric tons CO<sub>2</sub>e. Consequently, construction-related GHG emissions would be less than significant.

**Table 1. Nutradine GHG Emissions**

| Emission Categories   | CO <sub>2</sub> e (metric tons/year) |
|---|--------------------------------------|
| Total Construction  | 50                                   |
| Total Operations – Existing   | 234                                  |
| Total Operations – Proposed   | 362                                  |
| Net Increase Operations (Proposed minus Existing)   | 128                                  |
| BAAQMD Significance Threshold   | 1,100                                |
| Notes: Construction emissions were estimated using URBEMIS2007, and used the construction equipment default values included within URBEMIS. Operational emissions were estimated using a combination of URBEMIS2007 and the BAAQMD's BGM model. The GHG significance threshold is based on BAAQMD's 2010 CEQA guidelines. |                                      |

#### *Operation*

---

<sup>1</sup> GHG emissions are evaluated as CO<sub>2</sub> equivalence, referred to as CO<sub>2</sub>e. CO<sub>2</sub>e includes total emissions of carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). Methane emissions are multiplied by 21 and nitrous oxide by 310 to account for the global warming potential of these two pollutants relative to carbon dioxide.

Table 1 also shows the project's existing and proposed operational emissions. Expansion of the Nutradine manufacturing operations would increase CO<sub>2</sub>e by 128 metric tons per year, which is substantially below BAAQMD's significance threshold of 1,100 metric tons CO<sub>2</sub>e per year. Consequently, project operation would not result in a significant increase in GHG emissions.

**Conclusions**

Neither construction nor operation of the project would result in emissions that exceed the BAAQMD's GHG threshold. Therefore, the project would not have a significant GHG impact.

Thank you for providing ESA with the opportunity to prepare this GHG assessment for Nutradine, Inc. Please contact me if you have any questions.

Sincerely,

//s//

Tim Rimpo  
Air Quality Program Manager

Enclosure: GHG Construction Emission Results (URBEMIS)  
GHG Partial Operational Emissions Existing (URBEMIS)  
GHG Partial Operational Emissions Proposed Project (URBEMIS)  
GHG Total Operational Emissions – Existing and Proposed (BGM)



# URBEMIS Construction Emission Results

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5/8/2013 12:10:02 PM

Urbemis 2007 Version 9.2.4

## Combined Annual Emissions Reports (Tons/Year)

File Name: C:\Users\letr\AppData\Roaming\Urbemis\Version9a\Projects\Nutradine Construction Only Annual GHG.urb924

Project Name: Nutradine Construction Only

Project Location: Sonoma County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

### CONSTRUCTION EMISSION ESTIMATES

|                                     | <u>CO2</u> | CO2 (metric) |
|-------------------------------------|------------|--------------|
| 2014 TOTALS (tons/year unmitigated) | 54.65      | 49.59        |

Construction Unmitigated Detail Report:

### CONSTRUCTION EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

|  | <u>CO2</u> |
|--|------------|
| 2014                                   | 54.65      |
| Demolition 02/03/2014-<br>02/14/2014   | 4.01       |
| Fugitive Dust                          | 0.00       |
| Demo Off Road Diesel                   | 3.50       |
| Demo On Road Diesel                    | 0.00       |
| Demo Worker Trips                      | 0.51       |
| Fine Grading 02/17/2014-<br>02/21/2014 | 5.87       |
| Fine Grading Dust                      | 0.00       |
| Fine Grading Off Road<br>Diesel        | 5.62       |
| Fine Grading On Road<br>Diesel         | 0.00       |
| Fine Grading Worker Trips              | 0.26       |
| Trenching 02/24/2014-<br>03/07/2014    | 9.08       |
| Trenching Off Road Diesel              | 8.57       |
| Trenching Worker Trips                 | 0.51       |
| Building 03/10/2014-<br>05/30/2014     | 35.68      |

|                          |       |
|--------------------------|-------|
| Building Off Road Diesel | 26.80 |
| Building Vendor Trips    | 5.46  |
| Building Worker Trips    | 3.42  |

Phase Assumptions

Phase: Demolition 2/3/2014 - 2/14/2014 - Demolish Buildings 2 and 3

Building Volume Total (cubic feet): 0

Building Volume Daily (cubic feet): 0

On Road Truck Travel (VMT): 0

Off-Road Equipment:

- 1 Concrete/Industrial Saws (10 hp) operating at a 0.73 load factor for 8 hours per day
- 1 Rubber Tired Dozers (357 hp) operating at a 0.59 load factor for 1 hours per day
- 2 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 6 hours per day

Phase: Fine Grading 2/17/2014 - 2/21/2014 - Grade site

Total Acres Disturbed: 0.61

Maximum Daily Acreage Disturbed: 0.15

Fugitive Dust Level of Detail: Default

20 lbs per acre-day

On Road Truck Travel (VMT): 0

Off-Road Equipment:

- 1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day
- 1 Rubber Tired Dozers (357 hp) operating at a 0.59 load factor for 6 hours per day
- 1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day
- 1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Trenching 2/24/2014 - 3/7/2014 - Trench and Install Utilities

Off-Road Equipment:

- 2 Excavators (168 hp) operating at a 0.57 load factor for 8 hours per day
- 1 Other General Industrial Equipment (238 hp) operating at a 0.51 load factor for 8 hours per day
- 1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 0 hours per day

Phase: Building Construction 3/10/2014 - 5/30/2014 - Construct Improvements

Off-Road Equipment:

- 1 Cranes (399 hp) operating at a 0.43 load factor for 4 hours per day
- 2 Forklifts (145 hp) operating at a 0.3 load factor for 6 hours per day
- 1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 8 hours per day

# GHG Partial Operational Emissions Existing Conditions (URBEMIS)

Page: 1  
5/9/2013 02:50:28  
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Urbemis 2007 Version 9.2.4

## Combined Annual Emissions Reports (Tons/Year)

File Name: C:\Users\letr\AppData\Roaming\Urbemis\Version9a\Projects\Nutradine Operational Existing Conditions.urb924

Project Name: Nutradine Proposed Operational Only

Project Location: Sonoma County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

### Summary Report:

#### AREA SOURCE EMISSION ESTIMATES

|                                 | <u>CO2</u> |
|---------------------------------|------------|
| TOTALS (tons/year, unmitigated) | 176.63     |

#### OPERATIONAL (VEHICLE) EMISSION ESTIMATES

|                                 | <u>CO2</u> |
|---------------------------------|------------|
| TOTALS (tons/year, unmitigated) | 132.94     |

#### SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

|                                 | <u>CO2</u> |
|---------------------------------|------------|
| TOTALS (tons/year, unmitigated) | 309.57     |

### Area Source Unmitigated Detail Report:

#### AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

| <u>Source</u>                   | <u>CO2</u> |
|---------------------------------|------------|
| Natural Gas                     | 176.38     |
| Hearth                          | 0.00       |
| Landscape                       | 0.25       |
| Consumer Products               |            |
| Architectural Coatings          |            |
| TOTALS (tons/year, unmitigated) | 176.63     |

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

| <u>Source</u>                   | <u>CO2</u> |
|---------------------------------|------------|
| Manufacturing                   | 132.94     |
| TOTALS (tons/year, unmitigated) | 132.94     |

Operational Settings:

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2014 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

| Land Use Type | Acreage | Trip Rate | Unit Type  | No. Units | Total Trips | Total VMT |
|---------------|---------|-----------|------------|-----------|-------------|-----------|
| Manufacturing |         | 3.82      | 1000 sq ft | 24.36     | 93.06       | 779.99    |
|               |         |           |            |           | 93.06       | 779.99    |

Vehicle Fleet Mix

| Vehicle Type                        | Percent Type | Non-Catalyst | Catalyst | Diesel |
|-------------------------------------|--------------|--------------|----------|--------|
| Light Auto                          | 44.7         | 0.4          | 99.2     | 0.4    |
| Light Truck < 3750 lbs              | 18.1         | 1.1          | 93.9     | 5.0    |
| Light Truck 3751-5750 lbs           | 20.0         | 0.5          | 99.0     | 0.5    |
| Med Truck 5751-8500 lbs             | 7.3          | 0.0          | 100.0    | 0.0    |
| Lite-Heavy Truck 8501-10,000 lbs    | 1.8          | 0.0          | 72.2     | 27.8   |
| Lite-Heavy Truck 10,001-14,000 lbs  | 1.0          | 0.0          | 50.0     | 50.0   |
| Med-Heavy Truck 14,001-33,000 lbs   | 1.2          | 0.0          | 16.7     | 83.3   |
| Heavy-Heavy Truck 33,001-60,000 lbs | 0.2          | 0.0          | 0.0      | 100.0  |
| Other Bus                           | 0.1          | 0.0          | 0.0      | 100.0  |
| Urban Bus                           | 0.0          | 0.0          | 0.0      | 0.0    |
| Motorcycle                          | 4.5          | 51.1         | 48.9     | 0.0    |
| School Bus                          | 0.1          | 0.0          | 0.0      | 100.0  |
| Motor Home                          | 1.0          | 0.0          | 90.0     | 10.0   |

Travel Conditions

|                                       | Residential |           |            | Commercial |          |          |
|---------------------------------------|-------------|-----------|------------|------------|----------|----------|
|                                       | Home-Work   | Home-Shop | Home-Other | Commute    | Non-Work | Customer |
| Urban Trip Length (miles)             | 10.8        | 7.3       | 7.5        | 9.5        | 7.4      | 7.4      |
| Rural Trip Length (miles)             | 16.8        | 7.1       | 7.9        | 14.7       | 6.6      | 6.6      |
| Trip speeds (mph)                     | 35.0        | 35.0      | 35.0       | 35.0       | 35.0     | 35.0     |
| % of Trips - Residential              | 32.9        | 18.0      | 49.1       |            |          |          |
| % of Trips - Commercial (by land use) |             |           |            |            |          |          |
| Manufacturing                         |             |           |            | 48.0       | 24.0     | 28.0     |

# GHG Partial Operational Emissions Proposed Project (URBEMIS)

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Urbemis 2007 Version 9.2.4

## Combined Annual Emissions Reports (Tons/Year)

File Name:

C:\Users\etr\AppData\Roaming\Urbemis\Version9a\Projects\Nutradine  
Operational with Expansion.urb924

Project Name: Nutradine Proposed Operational Only

Project Location: Sonoma County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

### AREA SOURCE EMISSION ESTIMATES

|                                 | <u>CO2</u> |
|---------------------------------|------------|
| TOTALS (tons/year, unmitigated) | 176.63     |

### OPERATIONAL (VEHICLE) EMISSION ESTIMATES

|                                 | <u>CO2</u> |
|---------------------------------|------------|
| TOTALS (tons/year, unmitigated) | 205.52     |

### SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

|                                 | <u>CO2</u> |
|---------------------------------|------------|
| TOTALS (tons/year, unmitigated) | 382.15     |

Area Source Unmitigated Detail Report:

### AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

| <u>Source</u>                   | <u>CO2</u> |
|---------------------------------|------------|
| Natural Gas                     | 176.38     |
| Hearth                          | 0.00       |
| Landscape                       | 0.25       |
| Consumer Products               |            |
| Architectural Coatings          |            |
| TOTALS (tons/year, unmitigated) | 176.63     |

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

| Source                          | CO2    |
|---------------------------------|--------|
| Manufacturing                   | 205.52 |
| TOTALS (tons/year, unmitigated) | 205.52 |

Operational Settings:

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2014 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

| Land Use Type | Acreage | Trip Rate | Unit Type  | No. Units | Total Trips | Total VMT |
|---------------|---------|-----------|------------|-----------|-------------|-----------|
| Manufacturing |         | 3.82      | 1000 sq ft | 37.66     | 143.86      | 1,205.84  |
|               |         |           |            |           | 143.86      | 1,205.84  |

Vehicle Fleet Mix

| Vehicle Type                        | Percent Type | Non-Catalyst | Catalyst | Diesel |
|-------------------------------------|--------------|--------------|----------|--------|
| Light Auto                          | 44.7         | 0.4          | 99.2     | 0.4    |
| Light Truck < 3750 lbs              | 18.1         | 1.1          | 93.9     | 5.0    |
| Light Truck 3751-5750 lbs           | 20.0         | 0.5          | 99.0     | 0.5    |
| Med Truck 5751-8500 lbs             | 7.3          | 0.0          | 100.0    | 0.0    |
| Lite-Heavy Truck 8501-10,000 lbs    | 1.8          | 0.0          | 72.2     | 27.8   |
| Lite-Heavy Truck 10,001-14,000 lbs  | 1.0          | 0.0          | 50.0     | 50.0   |
| Med-Heavy Truck 14,001-33,000 lbs   | 1.2          | 0.0          | 16.7     | 83.3   |
| Heavy-Heavy Truck 33,001-60,000 lbs | 0.2          | 0.0          | 0.0      | 100.0  |
| Other Bus                           | 0.1          | 0.0          | 0.0      | 100.0  |
| Urban Bus                           | 0.0          | 0.0          | 0.0      | 0.0    |
| Motorcycle                          | 4.5          | 51.1         | 48.9     | 0.0    |
| School Bus                          | 0.1          | 0.0          | 0.0      | 100.0  |
| Motor Home                          | 1.0          | 0.0          | 90.0     | 10.0   |

Travel Conditions

| Residential |           | Commercial |         |          | Customer |
|-------------|-----------|------------|---------|----------|----------|
| Home-Work   | Home-Shop | Home-Other | Commute | Non-Work |          |
|             |           |            |         |          |          |

|                                       |      |      |      |      |      |      |
|---------------------------------------|------|------|------|------|------|------|
| Urban Trip Length (miles)             | 10.8 | 7.3  | 7.5  | 9.5  | 7.4  | 7.4  |
| Rural Trip Length (miles)             | 16.8 | 7.1  | 7.9  | 14.7 | 6.6  | 6.6  |
| Trip speeds (mph)                     | 35.0 | 35.0 | 35.0 | 35.0 | 35.0 | 35.0 |
| % of Trips - Residential              | 32.9 | 18.0 | 49.1 |      |      |      |
|                                       |      |      |      |      |      |      |
| % of Trips - Commercial (by land use) |      |      |      |      |      |      |
| Manufacturing                         |      |      |      | 48.0 | 24.0 | 28.0 |



## GHG Total Operational Emissions - Existing and Proposed (BGM)

| <b>Proposed Project</b> | CO2 (metric tpy) | CH4 (metric tpy) | N2O (metric tpy) | CO2e (metric tpy) | % of Total |
|-------------------------|------------------|------------------|------------------|-------------------|------------|
| Transportation*:        |                  |                  |                  | 182.68            | 50.48%     |
| Area Source:            | 0.23             | 0.00             | 0.00             | 0.23              | 0.06%      |
| Electricity:            | 106.02           | 0.00             | 0.00             | 106.19            | 29.35%     |
| Natural Gas:            | 8.64             | 0.00             | 0.00             | 8.66              | 2.39%      |
| Water & Wastewater:     | 1.19             | 0.00             | 0.00             | 1.19              | 0.33%      |
| Solid Waste:            | 0.46             | 2.97             | N/A              | 62.92             | 17.39%     |
| Total:                  |                  |                  |                  | 361.87            | 100.00%    |

| <b>Existing Project</b> | CO2 (metric tpy) | CH4 (metric tpy) | N2O (metric tpy) | CO2e (metric tpy) | % of Total |
|-------------------------|------------------|------------------|------------------|-------------------|------------|
| Transportation*:        |                  |                  |                  | 118.17            | 50.47%     |
| Area Source:            | 0.23             | 0.00             | 0.00             | 0.23              | 0.10%      |
| Electricity:            | 68.58            | 0.00             | 0.00             | 68.69             | 29.33%     |
| Natural Gas:            | 5.59             | 0.00             | 0.00             | 5.60              | 2.39%      |
| Water & Wastewater:     | 0.77             | 0.00             | 0.00             | 0.77              | 0.33%      |
| Solid Waste:            | 0.30             | 1.92             | N/A              | 40.70             | 17.38%     |
| Total:                  |                  |                  |                  | 234.15            | 100.00%    |

\* Several adjustments are made to transportation emissions after they are imported from URBEMIS. After importing from URBEMIS, CO<sub>2</sub> emissions are converted to metric tons and then adjusted to account for the "Pavley" regulation. Then, CO<sub>2</sub> is converted to CO<sub>2</sub>e by multiplying by 100/95 to account for the contribution of other GHGs (CH<sub>4</sub>, N<sub>2</sub>O), and HFCs (from leaking air conditioners). Finally CO<sub>2</sub>e is adjusted to account for the low carbon fuels rule.

### Summary of Net Increase in Operational Emissions

| Results             | Operational Project –<br>Baseline Emissions<br>(CO <sub>2</sub> e, metric tons/yr) |
|---------------------|--|
| Transportation:     | 64.51  |
| Area Source:        | 0.00   |
| Electricity:        | 37.50  |
| Natural Gas:        | 3.06   |
| Water & Wastewater: | 0.42   |
| Solid Waste:        | 22.22  |
| Total:              | 127.72   |

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PERMIT AND RESOURCE  
MANAGEMENT DEPARTMENT



May 6, 2013

Mr. Paul Butler  
101 Partners  
c/o J. Kapolchok & Associates  
843 Second Street  
Santa Rosa, CA 95404

Whitlock & Weinberger  
Transportation, Inc.

490 Mendocino Avenue  
Suite 201  
Santa Rosa, CA 95401

voice 707.542.9500

fax 707.542.9590

web [www.w-trans.com](http://www.w-trans.com)

## Focused Traffic Study for 101 Grant School Road

Dear Mr. Butler;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has completed a focused traffic study for the proposed General Plan Amendment and Rezoning Use Permit for Nutradine, Inc. at 101 Grant School Road south of the City of Healdsburg in the County of Sonoma. The traffic study was completed in accordance with the *Traffic Study Guidelines* established by the County of Sonoma and addresses the following issues:

- Sight distance adequacy in both directions from Grant School Road along Old Redwood Highway
- Potential vehicle conflicts with Old Redwood Highway bicycle traffic
- Need for additional lanes to service truck movements to and from Old Redwood Highway
- Total volume of existing and proposed truck traffic associated with the project

### Study Area

The project site is located at 101 Grant School Road in the unincorporated Healdsburg area of Sonoma County. Old Redwood Highway is a scenic, two-lane undivided roadway with 12-foot travel lanes that runs generally north-south. Bike lanes exist on both sides of the roadway. The posted speed limit on Old Redwood Highway in this area is 50 miles per hour (mph). Grant School Road is located approximately 0.20-mile south of the interchange with US 101 and east of Old Redwood Highway. It is an east-west, two-lane local street that terminates approximately 800 feet east of Old Redwood Highway. Grant School Road is a very low volume road carrying less than 200 vehicles per day.

### Collision History

The collision history at the intersection of Old Redwood Highway/Grant School Road was reviewed to determine any trends or patterns that may indicate a safety issue. A collision rate was calculated based on the collision data available during a five-year period between January 1, 2006, and December 31, 2010 from the California Highway Patrol as published in their *Statewide Integrated Traffic Records System* (SWITRS) reports. The calculated collision rate for the study intersection was compared to the average statewide collision rate for similar urban facilities, as indicated in *2009 Accident Data on California State Highways*, California Department of Transportation (Caltrans).

Over the five-year study period, only one collision was reported for a rate of 0.08 collisions per million vehicles entering (c/mve). The average statewide collision rate for similar facilities is 0.15 c/mve, so the existing safety experience is better than experience on average and should not be considered critical. The collision type reported was a broadside and the primary collision factor was auto right-of-way violation. The reported collision did not involve a bicycle or pedestrian. The intersection collision rate calculation is enclosed.

### Intersection Operation – Existing Conditions

The Existing Conditions scenario provides an evaluation of current operation based on existing traffic volumes. This condition does not include project-generated traffic volumes. Existing traffic volumes were collected at the study intersection of Old Redwood Highway/Grant School Road during the a.m. and p.m. peak hours in November 2012. Intersection operation was evaluated utilizing Synchro 7.0 traffic analysis software.

Under Existing Conditions, the study intersection operates at an overall level of service (LOS) A during both the peak hours. The stop-controlled Grant School Road approach operates at LOS B during the a.m. peak hour and LOS A during the p.m. peak hour. These conditions would be considered acceptable according to County standards which allow LOS D or better operation.

### Project Description

Nutradine, Inc. (formerly known as Aquadine, Inc), proposes to expand their existing manufacturing operation from 24,360 to 37,660 square feet. This business expansion requires the use of various products, in addition to those produced onsite or in Sonoma County, in the processing and manufacturing of an expanded line of pet nutraceuticals. The site's "DA" zoning district restricts manufacturing to products grown on site or in the local area. Nutradine's new product line necessitates the use of materials that are not locally grown. Therefore, a General Plan Amendment to the Limited Industrial (LI) land use category is required. The application also includes a Special Area Policy, a rezoning to the M-3-SR zoning district and a Use Permit.

### Trip Generation

The anticipated trip generation for the proposed project was estimated using standard rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation*, 9<sup>th</sup> Edition, 2012 for "Manufacturing" (ITE Land Use 140).

The proposed expansion is expected to generate an average of 51 new trips on a daily basis, including 10 trips during the morning peak hour and 10 trips during the evening peak hour. These new trips represent the increase in traffic associated with the project compared to existing volumes. The trip generation summary is provided in Table I.

**Table I**  
**Trip Generation Summary**

| Land Use             | Units     | Daily     |       | AM Peak Hour  |       |     |     | PM Peak Hour  |       |    |     |
|----------------------|-----------|-----------|-------|---------------|-------|-----|-----|---------------|-------|----|-----|
|                      |           | Rate      | Trips | Rate          | Trips | In  | Out | Rate          | Trips | In | Out |
| <b>Existing</b>      |           |           |       |               |       |     |     |               |       |    |     |
| Warehouse            | 24.36 ksf | 3.82      | -93   | 0.73          | -18   | -14 | -4  | 0.73          | -18   | -7 | -11 |
| <b>Proposed</b>      |           |           |       |               |       |     |     |               |       |    |     |
| Warehouse            | 37.66 ksf | 3.82      | 144   | 0.73          | 28    | 22  | 6   | 0.73          | 28    | 10 | 18  |
| <b>Net New Trips</b> |           | <b>51</b> |       | <b>10 8 2</b> |       |     |     | <b>10 3 7</b> |       |    |     |

Note: ksf = 1,000 square feet

### **Intersection Operations – Existing plus Project Conditions**

The net-new trips generated by the proposed project were distributed at the study intersection based on an assessment of existing volumes. It is anticipated that 80 percent of the trips to and from Old Redwood Highway would access Grant School Road from the north and the remaining 20 percent would take access from and exit to the south. The resulting inbound and outbound trips were added to the exiting traffic volumes to obtain exiting plus project traffic volumes.

With the addition of the proposed project expansion, the study intersection would continue to operate at LOS A overall during both the peak hours. The stop-controlled Grant School Road approach would operate at LOS B during both the peak hours.

### **Intersection Sight Distance**

Sight distance along Old Redwood Highway from Grant School Road was evaluated based on criterion contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines recommend sight distances at intersections, including stopping sight distances for drivers traveling along the major approaches, and sight distances for drivers of vehicles stopped on the minor street approaches and driveways. These recommendations are based upon approach travel speeds, and take into account which direction a vehicle would turn onto the major approach, with greater sight distance needed for the more time-consuming task of turning left compared to turning right.

Sight distance from Grant School Road at Old Redwood Highway was field measured. Based on a posted speed limit of 50 mph, sight distance needed to complete an outbound right-turn movement from Grant School Road onto Old Redwood Highway is 480 feet. Field measurements indicate that the available sight distance to the south is 580 feet, resulting in more than adequate sight distance for the outbound right-turn maneuver.

To complete an outbound left-turn movement from Grant School Road onto old Redwood Highway, 555 feet of sight distance is required. Based on field observations, available sight distance exceeds 555 feet, so adequate sight distance is available in both directions to meet the criteria.

Also measured was the stopping sight distance along the southbound Old Redwood Highway approach to determine if there is adequate sight distance available for a driver to react to a vehicle stopped in the through lane while waiting to complete an inbound left-turn movement. This would require 425 feet of sight distance, and 750 feet is available, which is adequate.

Additionally, the sight distance from Grant School Road to view bicyclists along Old Redwood Highway was evaluated. Considering a 20-mph bicycle speed, recommended sight distance to the bicyclist would be 195 feet for drivers making a right turn from Grant School Road onto Old Redwood Highway and 225 feet for drivers making a left turn onto Old Redwood Highway. Based on field measurements, sight lines from Grant School Road to the bike lanes are 750 feet to the north and 350 feet to the south, which is adequate to meet the recommended guidelines.

## **Turn Lane Warrants**

### Left-Turn Lane Warrant

The need for a left-turn lane on Old Redwood Highway at Grant School Road was evaluated based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as an update of the methodology developed by the Washington State Department of Transportation. The NCHRP report references a methodology developed by M. D. Harmelink that includes equations that can be applied to expected or actual traffic volumes in order to determine the need for a left-turn pocket based on safety issues. Based on our research and discussions with Caltrans staff, this methodology is consistent with the "Guidelines for Reconstruction of Intersections," August 1985, which is referenced in Section 405.2, Left-turn Channelization, of Caltrans' *Highway Design Manual*.

The need for left-turn channelization in the form of a left-turn pocket on Old Redwood Highway at Grant School Road was evaluated based on Existing and Existing plus Project peak hour volumes as well as safety criteria. Under Existing and Existing plus Project volumes a left-turn lane is not warranted on Old Redwood Highway at Grant School Road during either of the peak periods evaluated.

### Right-Turn lane Warrant

The need for a right-turn lane at Old Redwood Highway was also evaluated under Existing and Existing plus Project Conditions, based on the criteria contained in the *Intersection Channelization Design Guide*. It was determined that a right-turn lane is not warranted on Old Redwood Highway at Grant School Road during either of the study periods.

The left-turn lane and right-turn lane warrant analysis sheets are enclosed.

## **Truck Turning Movements**

The project will be served by the following truck activity.

- 40 ft. Semi Flatbed with empty jars
- 20 ft. container truck
- Fed Exp. Deliveries (10 per week)
- Miscellaneous trucks (12 per week)

Since the intersection of Old Redwood Highway/Grant School Road is skewed in a direction which constrains the northbound right-turn movement from Old Redwood Highway onto Grant School Road, wheel tracking was observed on video to determine the ability of trucks to complete these maneuvers within the available roadway pavement. Based on the video review, the truck was able to stay within its own lane on Old Redwood Highway, slightly travel on the dirt shoulder along the southeast corner of the intersection, and utilize the majority of the Grant School Road width to complete the turn. The use of the full width of Grant School Road should be acceptable given the extremely low volume of traffic on the road.

## **Findings and Recommendations**

- The calculated collision rate at the Redwood Highway/Grant School Road intersection is lower than the statewide average for similar facilities. The one reported collision did not involve any bicyclists.

- The proposed project is expected to generate 51 net-new daily trips including 10 net-new trips during the weekday a.m. peak hour to 10 net-new trips during the weekday p.m. peak hour.
- The Old Redwood Highway/Grant School Road intersection and the stop-controlled Grant School Road approach would operate at LOS A or B during both the a.m. and p.m. peak hours without and with the addition of project generated trips.
- Vehicular sight distance along Old Redwood Highway is adequate to the north and south for vehicles exiting Grant School Road.
- Sight distance to bicyclists along Old Redwood Highway is adequate in both directions to meet the recommended guidelines.
- Left-turn and right-turn lanes on Old Redwood Highway are not warranted at Grant School Road under Existing plus Project volumes during either of the peak periods evaluated.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,

*Jaspreet Anand*

Jaspreet Anand, PE  
Assistant Engineer

*Steve Weinberger*  
Steve Weinberger, PE, FTOE  
Principal



SJW/sjw/SOX445.L1

Enclosure: Intersection Collision Rate Calculations  
Intersection Level of Service Calculations  
Turn lane Warrant Calculations

**INTERSECTION COLLISION RATE CALCULATIONS**

**101 Grant School Road Focussed Traffic Study**

Intersection # 1: Old Redwood Hwy & Grant School Road  
 Date of Count: Wednesday, November 28, 2012

Number of Collisions: 1  
 Number of Injuries: 1  
 Number of Fatalities: 0  
 ADT: 7300  
 Start Date: January 1, 2006  
 End Date: December 31, 2010  
 Number of Years: 5

Intersection Type: Tee  
 Control Type: Stop & Yield Controls  
 Area: Urban

$$\text{collision rate} = \frac{\text{NUMBER OF COLLISIONS} \times 1 \text{ MILLION}}{\text{ADT} \times 365 \text{ DAYS PER YEAR} \times \text{NUMBER OF YEARS}}$$

$$\text{collision rate} = \frac{1 \times 1,000,000}{7,300 \times 365 \times 5}$$

|                    | Collision Rate | Fatality Rate | Injury Rate |
|--------------------|----------------|---------------|-------------|
| Study Intersection | 0.08 c/mve     | 0.0%          | 100.0%      |
| Statewide Average* | 0.15 c/mve     | 0.8%          | 39.7%       |

ADT = average daily total vehicles entering intersection  
 c/mve = collisions per million vehicles entering intersection  
 \* 2009 Collision Data on California State Highways, Caltrans

# HCM Unsignalized Intersection Capacity Analysis

## 1: Grant School Road & Old Redwood Hwy

1/3/2013



| Movement               | WBL  | WBR  | NBT  | NBR  | SBL  | SBR  |
|------------------------|------|------|------|------|------|------|
| Lane Configurations    | ↔    |      | ↔    |      | ↔    |      |
| Volume (veh/h)         | 2    | 7    | 419  | 1    | 6    | 148  |
| Sign Control           | Stop |      | Free |      | Free |      |
| Grade                  | 0%   |      | 0%   |      | 0%   |      |
| Peak Hour Factor       | 0.75 | 0.75 | 0.75 | 0.75 | 0.75 | 0.75 |
| Hourly flow rate (vph) | 3    | 9    | 559  | 1    | 8    | 197  |
| Pedestrians            |      |      |      |      |      |      |
| Lane Width (ft)        |      |      |      |      |      |      |
| Walking Speed (ft/s)   |      |      |      |      |      |      |
| Percent Blockage       |      |      |      |      |      |      |
| Right turn flare (veh) |      |      |      |      |      |      |
| Median type            | None |      |      | None |      |      |
| Median storage (veh)   |      |      |      |      |      |      |
| Upstream signal (ft)   |      |      |      |      |      |      |
| pX, platoon unblocked  |      |      |      |      |      |      |
| vC, conflicting volume | 773  | 559  |      |      | 560  |      |
| vC1, stage 1 conf vol  |      |      |      |      |      |      |
| vC2, stage 2 conf vol  |      |      |      |      |      |      |
| vCu, unblocked vol     | 773  | 559  |      |      | 560  |      |
| tC, single (s)         | 6.4  | 6.2  |      |      | 4.1  |      |
| tC, 2 stage (s)        |      |      |      |      |      |      |
| tF (s)                 | 3.5  | 3.3  |      |      | 2.2  |      |
| p0 queue free %        | 99   | 98   |      |      | 99   |      |
| cM capacity (veh/h)    | 365  | 528  |      |      | 1011 |      |

| Direction, Lane #      | WB-1 | NB-1 | SB-1 |
|------------------------|------|------|------|
| Volume Total           | 12   | 560  | 205  |
| Volume Left            | 3    | 0    | 8    |
| Volume Right           | 9    | 1    | 0    |
| cSH                    | 480  | 1700 | 1011 |
| Volume to Capacity     | 0.02 | 0.33 | 0.01 |
| Queue Length 95th (ft) | 2    | 0    | 1    |
| Control Delay (s)      | 12.7 | 0.0  | 0.4  |
| Lane LOS               | B    |      | A    |
| Approach Delay (s)     | 12.7 | 0.0  | 0.4  |
| Approach LOS           | B    |      |      |

| Intersection Summary              |       |                      |   |
|-----------------------------------|-------|----------------------|---|
| Average Delay                     | 0.3   |                      |   |
| Intersection Capacity Utilization | 32.1% | ICU Level of Service | A |
| Analysis Period (min)             | 15    |                      |   |



# HCM Unsignalized Intersection Capacity Analysis

## 1: Grant School Road & Old Redwood Hwy

1/3/2013



| Movement               | WBL  | WBR  | NBT  | NBR  | SBL  | SBR  |
|------------------------|------|------|------|------|------|------|
| Lane Configurations    | ↔    |      | ↔    |      | ↔    |      |
| Volume (veh/h)         | 0    | 11   | 274  | 0    | 2    | 216  |
| Sign Control           | Stop |      | Free |      | Free |      |
| Grade                  | 0%   |      | 0%   |      | 0%   |      |
| Peak Hour Factor       | 0.97 | 0.97 | 0.97 | 0.97 | 0.97 | 0.97 |
| Hourly flow rate (vph) | 0    | 11   | 282  | 0    | 2    | 223  |
| Pedestrians            |      |      |      |      |      |      |
| Lane Width (ft)        |      |      |      |      |      |      |
| Walking Speed (ft/s)   |      |      |      |      |      |      |
| Percent Blockage       |      |      |      |      |      |      |
| Right turn flare (veh) |      |      |      |      |      |      |
| Median type            | None |      |      | None |      |      |
| Median storage (veh)   |      |      |      |      |      |      |
| Upstream signal (ft)   |      |      |      |      |      |      |
| pX, platoon unblocked  |      |      |      |      |      |      |
| vC, conflicting volume | 509  | 282  |      |      | 282  |      |
| vC1, stage 1 conf vol  |      |      |      |      |      |      |
| vC2, stage 2 conf vol  |      |      |      |      |      |      |
| vCu, unblocked vol     | 509  | 282  |      |      | 282  |      |
| tC, single (s)         | 6.4  | 6.2  |      |      | 4.1  |      |
| tC, 2 stage (s)        |      |      |      |      |      |      |
| tF (s)                 | 3.5  | 3.3  |      |      | 2.2  |      |
| p0 queue free %        | 100  | 99   |      |      | 100  |      |
| cM capacity (veh/h)    | 523  | 756  |      |      | 1280 |      |

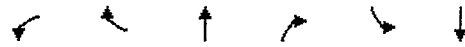
| Direction, Lane #      | WB 1 | NB 1 | SB 1 |
|------------------------|------|------|------|
| Volume Total           | 11   | 282  | 225  |
| Volume Left            | 0    | 0    | 2    |
| Volume Right           | 11   | 0    | 0    |
| cSH                    | 756  | 1700 | 1280 |
| Volume to Capacity     | 0.01 | 0.17 | 0.00 |
| Queue Length 95th (ft) | 1    | 0    | 0    |
| Control Delay (s)      | 9.8  | 0.0  | 0.1  |
| Lane LOS               | A    |      | A    |
| Approach Delay (s)     | 9.8  | 0.0  | 0.1  |
| Approach LOS           | A    |      |      |

| Intersection Summary              |       |                      |   |
|-----------------------------------|-------|----------------------|---|
| Average Delay                     | 0.3   |                      |   |
| Intersection Capacity Utilization | 24.4% | ICU Level of Service | A |
| Analysis Period (min)             | 15    |                      |   |

# HCM Unsignalized Intersection Capacity Analysis

## 1: Grant School Road & Old Redwood Hwy

1/3/2013



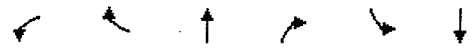
| Movement               | WBL  | WBR  | NBT  | NBR  | SBL  | SBT  |
|------------------------|------|------|------|------|------|------|
| Lane Configurations    | LT   |      | TH   |      | TH   | RT   |
| Volume (veh/h)         | 2    | 9    | 419  | 3    | 12   | 148  |
| Sign Control           | Stop |      | Free |      | Free | Free |
| Grade                  | 0%   |      | 0%   |      | 0%   | 0%   |
| Peak Hour Factor       | 0.75 | 0.75 | 0.75 | 0.75 | 0.75 | 0.75 |
| Hourly flow rate (vph) | 3    | 12   | 559  | 4    | 16   | 197  |
| Pedestrians            |      |      |      |      |      |      |
| Lane Width (ft)        |      |      |      |      |      |      |
| Walking Speed (ft/s)   |      |      |      |      |      |      |
| Percent Blockage       |      |      |      |      |      |      |
| Right turn flare (veh) |      |      |      |      |      |      |
| Median type            |      |      | None |      | None |      |
| Median storage (veh)   |      |      |      |      |      |      |
| Upstream signal (ft)   |      |      |      |      |      |      |
| pX, platoon unblocked  |      |      |      |      |      |      |
| vC, conflicting volume | 790  | 561  |      |      | 563  |      |
| vC1, stage 1 conf vol  |      |      |      |      |      |      |
| vC2, stage 2 conf vol  |      |      |      |      |      |      |
| vCu, unblocked vol     | 790  | 561  |      |      | 563  |      |
| tC, single (s)         | 6.4  | 6.2  |      |      | 4.1  |      |
| tC, 2 stage (s)        |      |      |      |      |      |      |
| tF (s)                 | 3.5  | 3.3  |      |      | 2.2  |      |
| p0 queue free %        | 99   | 98   |      |      | 98   |      |
| cM capacity (veh/h)    | 353  | 527  |      |      | 1009 |      |

| Direction              | Lane # | WB   | NB   | SB   |
|------------------------|--------|------|------|------|
| Volume Total           |        | 15   | 563  | 213  |
| Volume Left            |        | 3    | 0    | 16   |
| Volume Right           |        | 12   | 4    | 0    |
| cSH                    |        | 484  | 1700 | 1009 |
| Volume to Capacity     |        | 0.03 | 0.33 | 0.02 |
| Queue Length 95th (ft) |        | 2    | 0    | 1    |
| Control Delay (s)      |        | 12.7 | 0.0  | 0.8  |
| Lane LOS               |        | B    |      | A    |
| Approach Delay (s)     |        | 12.7 | 0.0  | 0.8  |
| Approach LOS           |        | B    |      |      |

| Intersection Summary              |  |       |                        |
|-----------------------------------|--|-------|------------------------|
| Average Delay                     |  | 0.4   |                        |
| Intersection Capacity Utilization |  | 32.2% | ICU Level of Service A |
| Analysis Period (min)             |  | 15    |                        |

HCM Unsignalized Intersection Capacity Analysis  
 1: Grant School Road & Old Redwood Hwy

1/3/2013



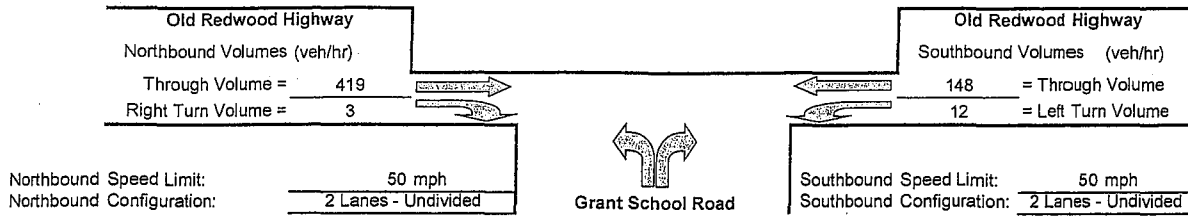
| Movement                          | WBL  | WBR  | NBT   | NBR                  | SBL  | SBT  |
|-----------------------------------|------|------|-------|----------------------|------|------|
| Lane Configurations               | T    |      | T     |                      | T    |      |
| Volume (veh/h)                    | 1    | 17   | 274   | 1                    | 4    | 216  |
| Sign Control                      | Stop |      | Free  |                      | Free |      |
| Grade                             | 0%   |      | 0%    |                      | 0%   |      |
| Peak Hour Factor                  | 0.97 | 0.97 | 0.97  | 0.97                 | 0.97 | 0.97 |
| Hourly flow rate (vph)            | 1    | 18   | 282   | 1                    | 4    | 223  |
| Pedestrians                       |      |      |       |                      |      |      |
| Lane Width (ft)                   |      |      |       |                      |      |      |
| Walking Speed (ft/s)              |      |      |       |                      |      |      |
| Percent Blockage                  |      |      |       |                      |      |      |
| Right turn flare (veh)            |      |      |       |                      |      |      |
| Median type                       |      |      | None  |                      | None |      |
| Median storage (veh)              |      |      |       |                      |      |      |
| Upstream signal (ft)              |      |      |       |                      |      |      |
| pX, platoon unblocked             |      |      |       |                      |      |      |
| vC, conflicting volume            | 514  | 283  |       |                      | 284  |      |
| vC1, stage 1 conf vol             |      |      |       |                      |      |      |
| vC2, stage 2 conf vol             |      |      |       |                      |      |      |
| vCu, unblocked vol                | 514  | 283  |       |                      | 284  |      |
| tC, single (s)                    | 6.4  | 6.2  |       |                      | 4.1  |      |
| tC, 2 stage (s)                   |      |      |       |                      |      |      |
| tF (s)                            | 3.5  | 3.3  |       |                      | 2.2  |      |
| p0 queue free %                   | 100  | 98   |       |                      | 100  |      |
| cM capacity (veh/h)               | 519  | 756  |       |                      | 1279 |      |
| Direction Lane #                  | WBL  | NBL  | SBL   |                      |      |      |
| Volume Total                      | 19   | 284  | 227   |                      |      |      |
| Volume Left                       | 1    | 0    | 4     |                      |      |      |
| Volume Right                      | 18   | 1    | 0     |                      |      |      |
| cSH                               | 737  | 1700 | 1279  |                      |      |      |
| Volume to Capacity                | 0.03 | 0.17 | 0.00  |                      |      |      |
| Queue Length 95th (ft)            | 2    | 0    | 0     |                      |      |      |
| Control Delay (s)                 | 10.0 | 0.0  | 0.2   |                      |      |      |
| Lane LOS                          | B    |      | A     |                      |      |      |
| Approach Delay (s)                | 10.0 | 0.0  | 0.2   |                      |      |      |
| Approach LOS                      | B    |      |       |                      |      |      |
| <b>Intersection Summary</b>       |      |      |       |                      |      |      |
| Average Delay                     |      |      | 0.4   |                      |      |      |
| Intersection Capacity Utilization |      |      | 24.6% | ICU Level of Service | A    |      |
| Analysis Period (min)             |      |      | 15    |                      |      |      |

# Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Old Redwood Highway/Grant School Road  
 Study Scenario: AM Existing plus Project

Direction of Analysis Street: North/South

Cross Street Intersects: From the East



### Northbound Right Turn Lane Warrants

1. Check for right turn volume criteria

**NOT WARRANTED** Less than 40 vehicles

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold AV = -  
 Advancing Volume Va = 422  
 If  $AV < Va$  then warrant is met -

Right Turn Lane Warranted: **NO**

### Northbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

**NOT WARRANTED** - Less than 20 vehicles

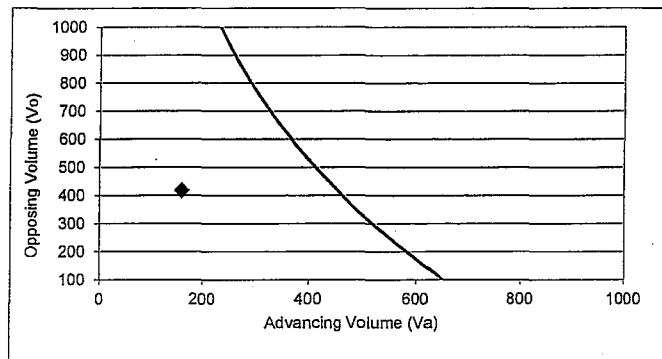
2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -  
 Advancing Volume Va = 422  
 If  $AV < Va$  then warrant is met -

Right Turn Taper Warranted: **NO**

### Southbound Left Turn Lane Warrants

Percentage Left Turns %lt 7.5 %  
 Advancing Volume Threshold AV 453 veh/hr  
 If  $AV < Va$  then warrant is met



◆ Study Intersection  
 Two lane roadway warrant threshold for: 50 mph  
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: **NO**

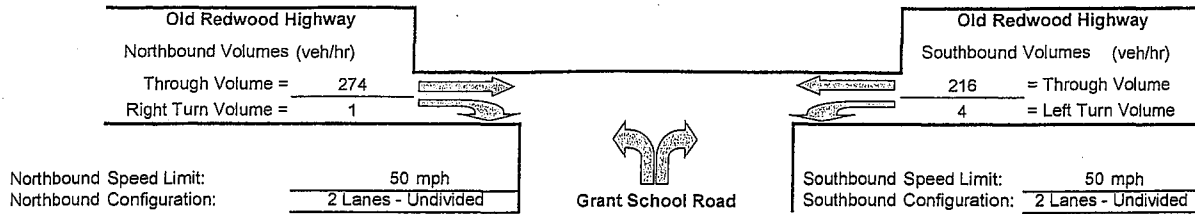
Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.  
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.  
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

# Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Old Redwood Highway/Grant School Road  
 Study Scenario: PM Existing plus Project

Direction of Analysis Street: North/South

Cross Street Intersects: From the East



### Northbound Right Turn Lane Warrants

1. Check for right turn volume criteria

**NOT WARRANTED** Less than 40 vehicles

2. Check advance volume threshold criteria for turn lane

|                                  |      |     |
|----------------------------------|------|-----|
| Advancing Volume Threshold       | AV = | -   |
| Advancing Volume                 | Va = | 275 |
| If $AV < Va$ then warrant is met |      |     |

Right Turn Lane Warranted: **NO**

### Northbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

**NOT WARRANTED - Less than 20 vehicles**

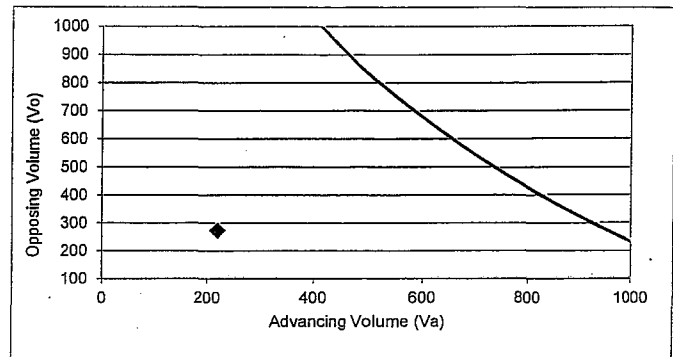
2. Check advance volume threshold criteria for taper

|                                  |      |     |
|----------------------------------|------|-----|
| Advancing Volume Threshold       | AV = | -   |
| Advancing Volume                 | Va = | 275 |
| If $AV < Va$ then warrant is met |      |     |

Right Turn Taper Warranted: **NO**

### Southbound Left Turn Lane Warrants

|                                  |            |
|----------------------------------|------------|
| Percentage Left Turns %t         | 1.8 %      |
| Advancing Volume Threshold AV    | 955 veh/hr |
| If $AV < Va$ then warrant is met |            |



◆ Study Intersection  
 Two lane roadway warrant threshold for: 50 mph  
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: **NO**

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.  
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.  
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.



# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

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**DATE:** December 3, 2013 at 2:10 p.m.

**TO:** Board of Supervisors

**FROM:** Scott Hunsperger, Project Planner

**SUBJECT:** Hearing to consider a General Plan Amendment, Area Plan Amendment, and Zone Change; PLP13-0034, Gordon Holmes and Pursuit Enterprises LLC, c/o Stephen Dudley; Supervisorial District No. 1.

### **Action Requested of the Board of Supervisors:**

The Board is requested to conduct a public hearing on the proposed Request for a General Plan Amendment, Area Plan Amendment, and Zone Change to fulfill a Condition of Approval for a previously approved Lot Line Adjustment (LLA12-0022) on a 1.73 acre portion of a 7.93 acre parcel to eliminate split land use and zoning on the newly configured parcels. At the conclusion of the hearing your Board may find the proposed project exempt from CEQA and approve the General Plan Amendment, Area Plan Amendment, and Zone Change as recommended by staff and the Planning Commission.

### **Prior Actions:**

On June 15, 2012, Gordon Holmes and Pursuit Enterprises LLC received approval from PRMD staff for a Minor Lot Line Adjustment (LLA12-0022) between two parcels of 45.5 acres and 6.2 acres in size, resulting in two parcels of 43.77 acres and 7.93 acres in size. The Sonoma County Subdivision Ordinance allows for a Lot Line Adjustment between parcels in different land use and zoning designations provided a General Plan Amendment and Zone Change application is filed to ensure the district boundaries coincide with resultant property lines. The Lot Line Adjustment (LLA12-0022) included a condition that a General Plan and Area Plan Amendment and Zone Change be submitted to rectify the resulting split in General Plan and North Sonoma Valley Area Plan land use designation and zoning on the newly configured parcels. This condition was met when the application for the General Plan and Area Plan Amendment and Zone Change was filed on July 2, 2013 and the Lot Line Adjustment deeds were approved and recorded on July 3, 2013.

On October 3, 2013, the Planning Commission, with a 4-0-1 vote, recommended that the Board of Supervisors approve the request by Gordon Holmes for a General Plan Amendment, Area Plan Amendment, and Zone Change to fulfill a Condition of Approval for a previously approved Lot Line Adjustment.

### **Location, Zoning and Project Description:**

The subject property is located at 3877 Trinity Road, Glen Ellen; APN 053-051-001 (Portion); Supervisorial District No. 1. The proposed General Plan and Area Plan Amendment and corresponding Zone Change affect a portion of the former parcel that was combined as a result of the Lot Line Adjustment between two parcels. A total of 1.73 acres of the newly configured parcel will be changed from the DA (Diverse Agriculture) 35-acre density to the RRD (Resources and Rural Development) 40-acre density General Plan land use designation; from the Resource Conservation, 40-100 acre density to the Resource Conservation, 20-40 acre density North Sonoma Valley Area Plan land use designation; and from the DA (Diverse Agriculture) 35-acre density to the RRD (Resources and Rural

Development) B6-40 acre density zoning district. The General Plan and Area Plan Amendment and Zone Change do not increase any development potential. Therefore, no changes to permitted uses will occur. In addition, the Subdivision Ordinance allows a Lot Line Adjustment between parcels in different General Plan land use and zoning districts provided that a General Plan Amendment and Zone Change are processed to ensure that General Plan land use and Zoning District boundaries coincide with resultant property lines.

The primary concern with General Plan and Area Plan Amendments/Zone Changes for a Lot Line Adjustment is to ensure that the proposed Amendments/Zone Change and lot configurations do not increase development potential. With the 35-acre density designated on Lot A, the resulting 43.77 acre parcel can have one primary residence. With the 40-acre density designated on Lot B, the resulting 7.93 acre parcel can have one primary residence, which is the same number allowed before the Lot Line Adjustment. The reconfigured lots do not allow for any additional development that previously existed before the Lot Line Adjustment. The proposed General Plan and Area Plan Amendment and Zone Change will not increase development or subdivision potential. Therefore, the project is in conformance with the General Plan, North Sonoma Valley Area Plan, Zoning Ordinance, and Subdivision Ordinance.

#### **ISSUES DISCUSSED AT THE PLANNING COMMISSION PUBLIC HEARING**

This was an uncontested item and no issues were raised by the public or the Planning Commission at the public hearing.

#### **List of Attachments:**

- EXHIBIT A: Draft Board of Supervisors Resolution and General Plan Amendment Map
  - EXHIBIT B: Draft Ordinance and Sectional District Map
  - EXHIBIT C: Vicinity Map
  - EXHIBIT D: Planning Commission Resolution No. 13-013
  - EXHIBIT E: Planning Commission Minutes dated October 3, 2013
  - EXHIBIT F: Planning Commission Staff Report dated October 3, 2013
-



County of Sonoma  
State of California

Date: December 3, 2013

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

PLP13-0034 Scott Hunsperger

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,  
Finding The Project Exempt From CEQA And Approving A General Plan Land Use Map  
Amendment, An Area Plan Land Use Map Amendment, And Zone Change As Requested By  
Gordon Holmes And Pursuit Enterprises LLC, c/o Stephen Dudley, For Property Located At  
3877 Trinity Road, Glen Ellen; Portion Of APN 053-051-001.**

**Resolved**, that the Board of Supervisors of the County of Sonoma (“the Board”) hereby finds and determines as follows:

**Whereas**, Gordon Holmes and Pursuit Enterprises LLC, c/o Stephen Dudley, (the “Applicant”), filed an application with the Sonoma County Permit and Resource Management Department (“PRMD”) for: 1) a General Plan Amendment from the DA (Diverse Agriculture) 35 acre density designation to the RRD (Resources and Rural Development) 40 acre density land use designation; 2) an amendment to the North Sonoma Valley Area Plan from the Resource Conservation, 40-100 acre density to the Resource Conservation, 20-40 acre density; and 3) a corresponding Zone Change from the DA (Diverse Agriculture), B6-35 acre density, SR (Scenic Resources) districts to the RRD (Resources and Rural Development), B6-40 acre density, SR zoning districts or other appropriate district to fulfill a Condition of Approval for a previously approved Lot Line Adjustment (LLA12-0022) on property located at 3877 Trinity Road, Glen Ellen; APN 053-051-001 (portion); Supervisorial District No. 1 (“the Proposed Project”); and

**Whereas**, it was determined that the Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations which provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

**Whereas**, the Planning Commission in accordance with the provisions of law, conducted a public hearing on the Proposed Project on October 3, 2013, and with a 4-0-1 vote, recommended that the Board approve the Proposed Project; and

**Whereas**, the Planning Commission’s recommendation on the Proposed Project has been reviewed and considered by the Board; and

**Whereas**, in accordance with the provisions of law as part of the fourth amendment of



Resolution #

Date: December 3, 2013

Page 2

the General Plan Land Use Element for 2013, the Board held a public hearing on December 3, 2013, at which time all interested persons were given an opportunity to be heard on the Proposed Project; and

**Whereas,** the Proposed Project is the second item of the fourth amendment of the General Plan Land Use Element for 2013.

**Whereas,** the fourth land use amendment of the General Plan Land Use Element for 2013 is consistent with the overall goals, objectives and policies of the General Plan and is in harmony with the rest of the General Plan; and

**Whereas,** the Board concurs with PRMD's determination that the Proposed Project is exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines. The facts and conditions that support this finding are as follows:

1. Section 15061(b)(3) of the State CEQA Guidelines exempts an activity from CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

2. The project details that establish the proposed project's eligibility for exemption under Section 15061(b)(3) of the State CEQA Guidelines are as follows:

a. The General Plan land use Amendment, Area Plan Amendment, and Zone Change do not increase development potential of the subject site.

b. The subject project eliminates split General Plan, Area Plan, and Zoning designations on the adjusted parcel configuration.

**Whereas,** the Board makes the following findings concerning the Proposed Project:

1. The proposed General Plan Amendment to the Land Use Map from the Diverse Agriculture to the Resources and Rural Development land use designation on the subject 1.73 acre portion of a 7.93 acre parcel (portion of APN 053-051-001) is consistent with the goals, objectives, and policies of the General Plan.

2. The General Plan Amendment, Area Plan Amendment, and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.

3. The proposed Area Plan Amendment on the subject 1.73 acre portion of a 7.93 acre parcel from the Resource Conservation, 40-100 acre density designation to the Resource Conservation, 20-40 acre density land use designation in the North Sonoma Area Plan is consistent with the proposed General Plan and proposed zoning designation is consistent with

Resolution #

Date: December 3, 2013

Page 3

the goals, objectives, and policies with the rest of the North Sonoma Valley Area Plan.

4. The proposed Zone Change to the Official Zoning Database from the Diverse Agriculture to the Resources and Rural Development zoning district on the subject 1.73 acre portion of a 7.93 acre parcel (portion of APN 053-051-001) is consistent with the goals, objectives, and policies of the Zoning Ordinance.

5. The project is exempt from CEQA pursuant to Section 15061(b)(3).

**Now, Therefore,** based on the foregoing findings and determinations and the record of these proceedings, the Board declares and orders as follows:

a. The General Plan Land Use Amendment is approved to amend the land use designation on APN 053-051-001 (portion) from DA (Diverse Agriculture) 35 acre density designation to the RRD (Resources and Rural Development) 40 acre density land use designation of a 1.73 acre portion of a 7.93 acre parcel; and

b. The amendment to the North Sonoma Valley Area Plan is approved on a 1.73 acre portion of a 7.93 acre parcel from the Resource Conservation, 40-100 acre density to the Resource Conservation, 20-40 acre density land use designation as shown in Exhibit B.

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

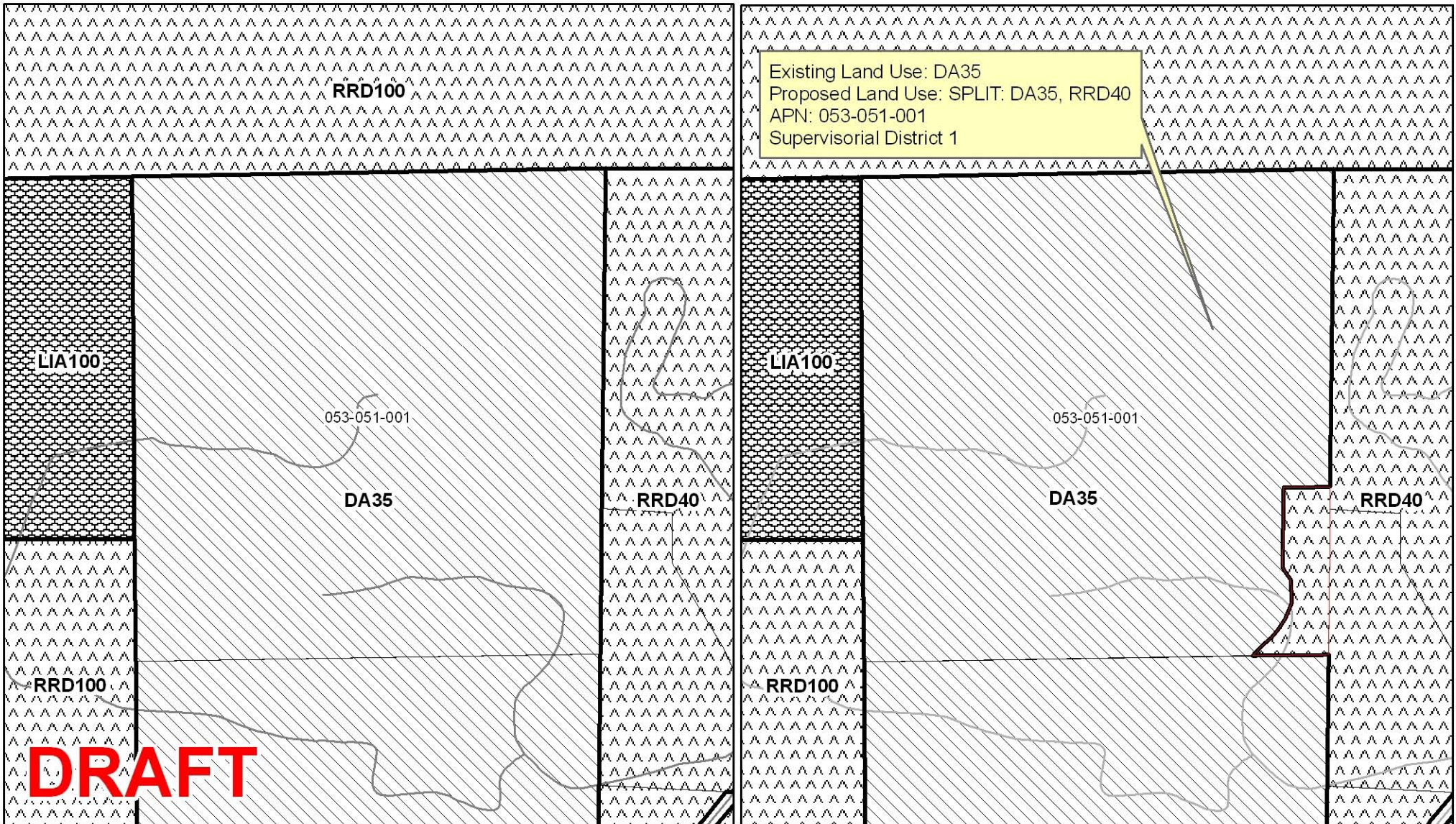
Absent:

Abstain:

**So Ordered.**

# Existing General Plan Land Use

# Proposed General Plan Land Use



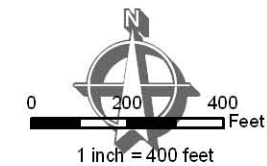
## General Plan Land Use

|   |                                      |                       |
|---|--------------------------------------|-----------------------|
| Diverse Agriculture                     | General Commercial                   | Planning Area Policy  |
| Land Extensive Agriculture              | Limited Commercial                   | AH Affordable Housing |
| Land Intensive Agriculture              | Limited Commercial Traffic Sensitive |                       |
| Resource and Rural Development          | General Industrial                   |                       |
| Rural Residential                       | Limited Industrial                   |                       |
| Urban Residential                       | Public / Quasi Public                |                       |
| Recreation / Visitor-Serving Commercial |                                      |                       |

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

## Base Map Data

|                             |
|-----------------------------|
| Subject Property            |
| Coastal Commission Boundary |
| Urban Service Areas         |
| Highways                    |
| Intermittent Stream         |
| Perennial Stream            |



FILE: PLP 13-0034  
 AP #: 053-051-001 (ptn)  
 Resolution No.

Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103



## **ORDINANCE NO.**

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM THE DA (DIVERSE AGRICULTURE) B6-35 ACRE DENSITY, SR (SCENIC RESOURCE) ZONING DISTRICTS TO THE RRD (RESOURCES AND RURAL DEVELOPMENT), B6-40 ACRE DENSITY, SR (SCENIC RESOURCE) ZONING DISTRICTS ON AN 1.73 ACRE PORTION OF THE RESULTING 7.93 ACRE PARCEL TO FULFILL A CONDITION OF APPROVAL FOR A LOT LINE ADJUSTMENT (LLA12-0022) LOCATED AT 3877 TRINITY ROAD, GLEN ELLEN; PORTION OF APN 053-051-001.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code is amended by reclassifying the following real property from the DA (Diverse Agriculture) B6-35 acre density, SR (Scenic Resource) zoning districts to the RRD (Resources and Rural Development) B6-40 acre density, SR (Scenic Resource) zoning districts on an 1.73 acre portion of a 7.93 acre parcel to fulfill a Condition of Approval for a Lot Line Adjustment (LLA12-0022) on property located approximately 2,600 feet from the intersection of Cavedale Road and Trinity Road, also known as 3877 Trinity Road, Glen Ellen; portion of APN 053-051-001; Supervisorial District No. 1. File No. PLP13-0034. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No. .

SECTION II: The Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations.

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

SECTION IV: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 3<sup>rd</sup> day of December, 2013, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

|        |       |          |           |          |
|--------|-------|----------|-----------|----------|
| Gorin: | Zane: | McGuire: | Carrillo: | Rabbitt: |
| Ayes:  | Noes: | Absent:  | Abstain:  |          |

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and  
SO ORDERED.

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Chair, Board of Supervisors  
County of Sonoma

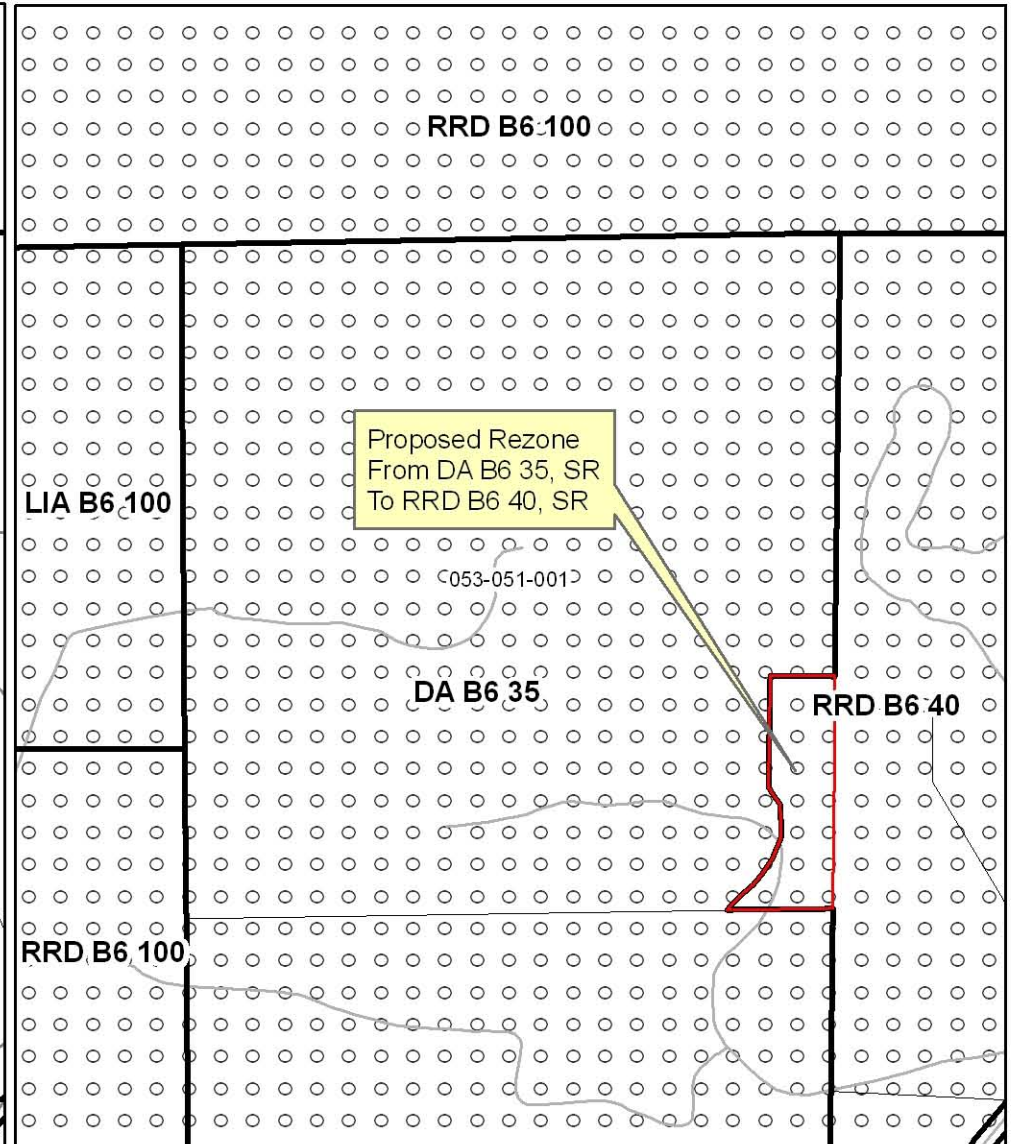
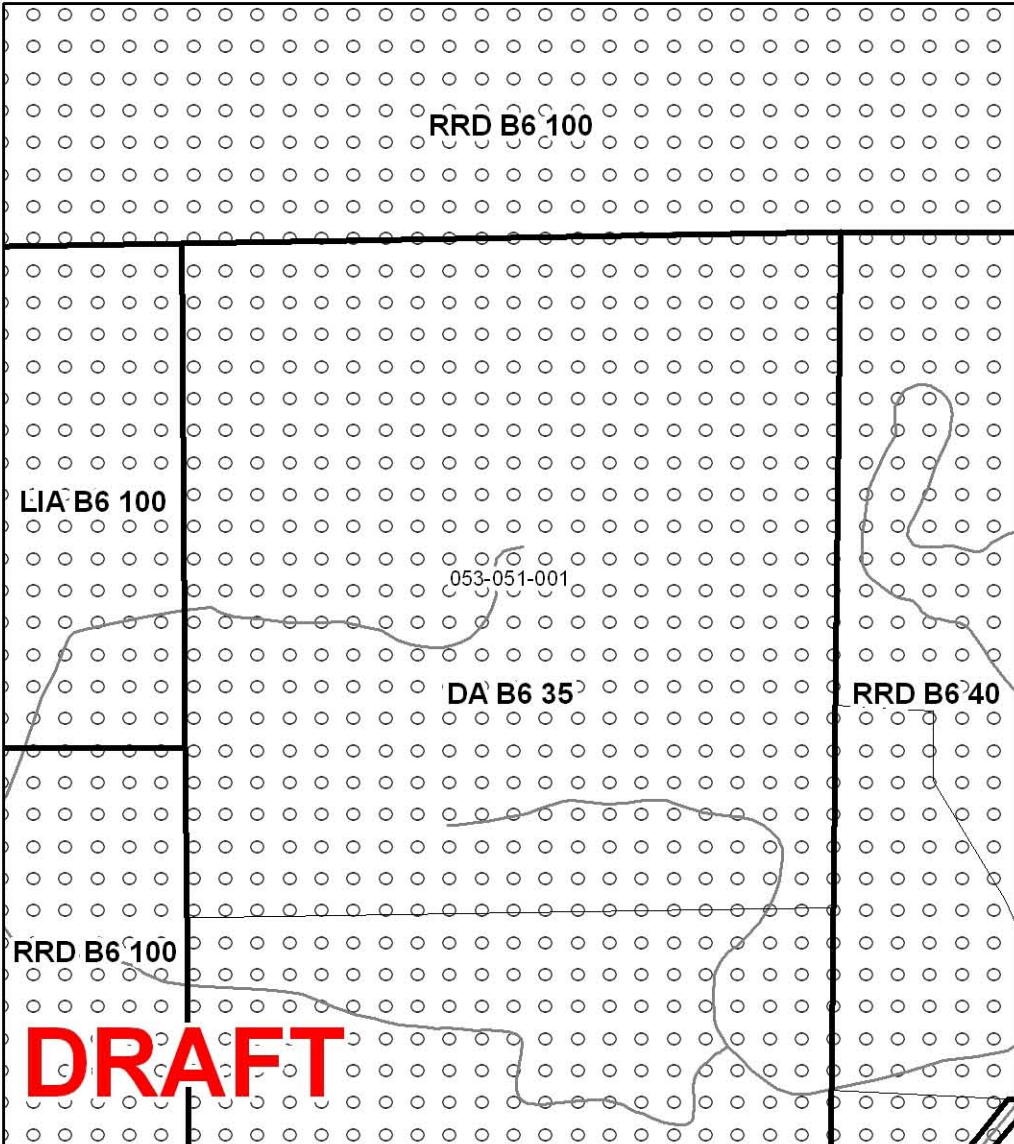
ATTEST:

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Veronica A. Ferguson  
Clerk of the Board of Supervisors

# Existing Zoning

# Proposed Zoning



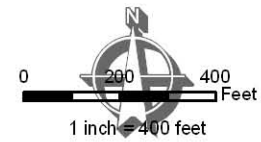
## Base Map Data

- Proposed Rezone
- Basezoning by Area
- Highways
- Intermittent Stream
- Perennial Stream

## Zoning Combining Districts

- LU Policy
- AH Affordable Housing
- HD Historic District
- BR Biotic Resource
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- MR Mineral Resource

- G Geologic Hazard
- F2 Floodplain
- F1 Floodway



FILE: PLP 13-0034  
 AP #: 053-051-001 (ptn)  
 Ordinance No.  
 Sectional District Map No.

Permit and Resource Management Department  
 Project Review Section



2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103







SUGARLOAF RIDGE  
STATE PARK

EL. 2375  
MT. ST. JOHN

EL. 404  
**Kenwood**

12

EL. 2275  
BALD MTN.

Calabazas  
Cr.

EL. 2677  
VEEDER MTN.

SONOMA VAL.  
REG. PARK

EL. 2337  
BISMARK  
KNOB

EL. 230  
**Glen Ellen**

Lokoya

Lake

Resolution Number 13-013

County of Sonoma  
Santa Rosa, California

October 3, 2013  
PLP13-0034 Scott Hunsperger

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS FIND THE PROJECT TO BE EXEMPT FROM CEQA AND APPROVE THE GENERAL PLAN AMENDMENT, SPECIFIC PLAN AMENDMENT, AND ZONE CHANGE AS REQUESTED BY GORDON HOLMES FOR PROPERTY LOCATED AT 3877 TRINITY ROAD, GLEN ELLEN; PORTION OF APN 053-051-001.

WHEREAS, the applicant, Gordon Holmes, filed an application with the Sonoma County Permit and Resource Management Department for 1) a General Plan Amendment from the DA (Diverse Agriculture) 35-acre density to RRD (Resources and Rural Development) 40-acre density land use designation; 2) an amendment to the North Sonoma Valley Specific Plan from the Resource Conservation, 40-100 acre density to the Resource Conservation, 20-40 acre density land use designation; and 3) a corresponding Zone Change from the DA (Diverse Agriculture) B6-35 acre density, SR (Scenic Resource) zoning districts to the RRD (Resources and Rural Development), B6-40 acre density, SR (Scenic Resource), SD (Scenic Design Regulations) zoning districts on an 1.73 acre portion of a 7.93 acre parcel as required by a Condition of Approval for a Lot Line Adjustment (LLA12-0022) for property located at 3877 Trinity Road, Glen Ellen; portion of APN 053-051-001; Supervisorial District No. 1 ("the Project"); and

WHEREAS, the Permit Resource and Management Department (PRMD) determined that the Project was exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the state CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on October 3, 2013, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The proposed General Plan and Specific Plan Amendment and Zone Change for the 1.73 acres (portion of APN 053-051-001) are consistent with the RRD (Resources and Rural Development) and Resource Conservation land use designation and zoning district criteria.
2. The General Plan and Specific Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the



new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.

3. The General Plan and Specific Plan Amendment and Zone Change fulfill Condition of Approval (g) for the previously approved Lot Line Adjustment (LLA12-0022).
4. The Project is exempt from CEQA pursuant to Section 15061(b)(3).

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the Project to be exempt from CEQA and approve the requested General Plan Amendment, Specific Plan Amendment, and Zone Change.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Bennett, who moved its adoption, seconded by Commissioner Liles, and adopted on roll call by the following vote:

|                      |        |
|----------------------|--------|
| Commissioner Carr    | Aye    |
| Commissioner Bennett | Aye    |
| Commissioner Cook    | Absent |
| Commissioner Liles   | Aye    |
| Commissioner Davis   | Aye    |

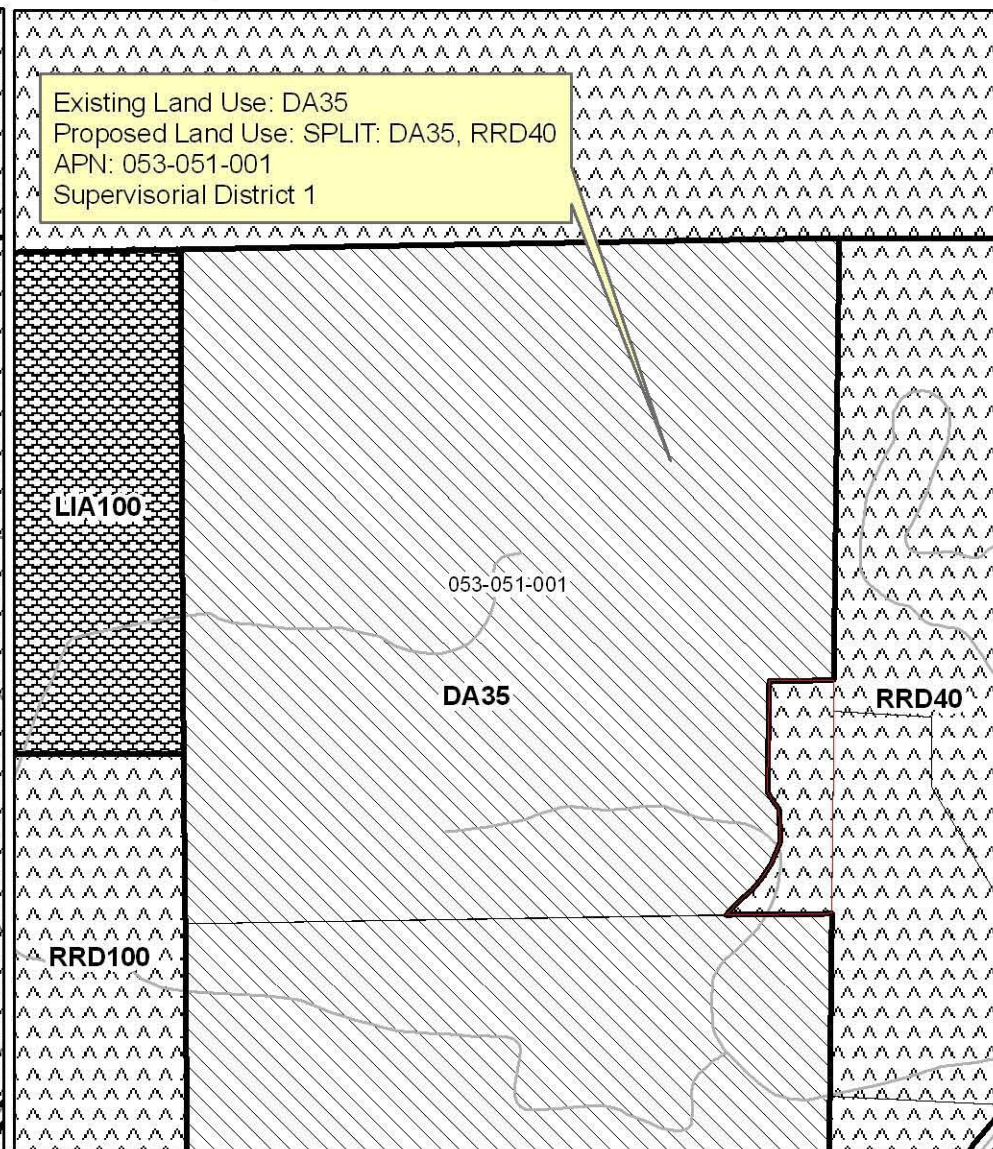
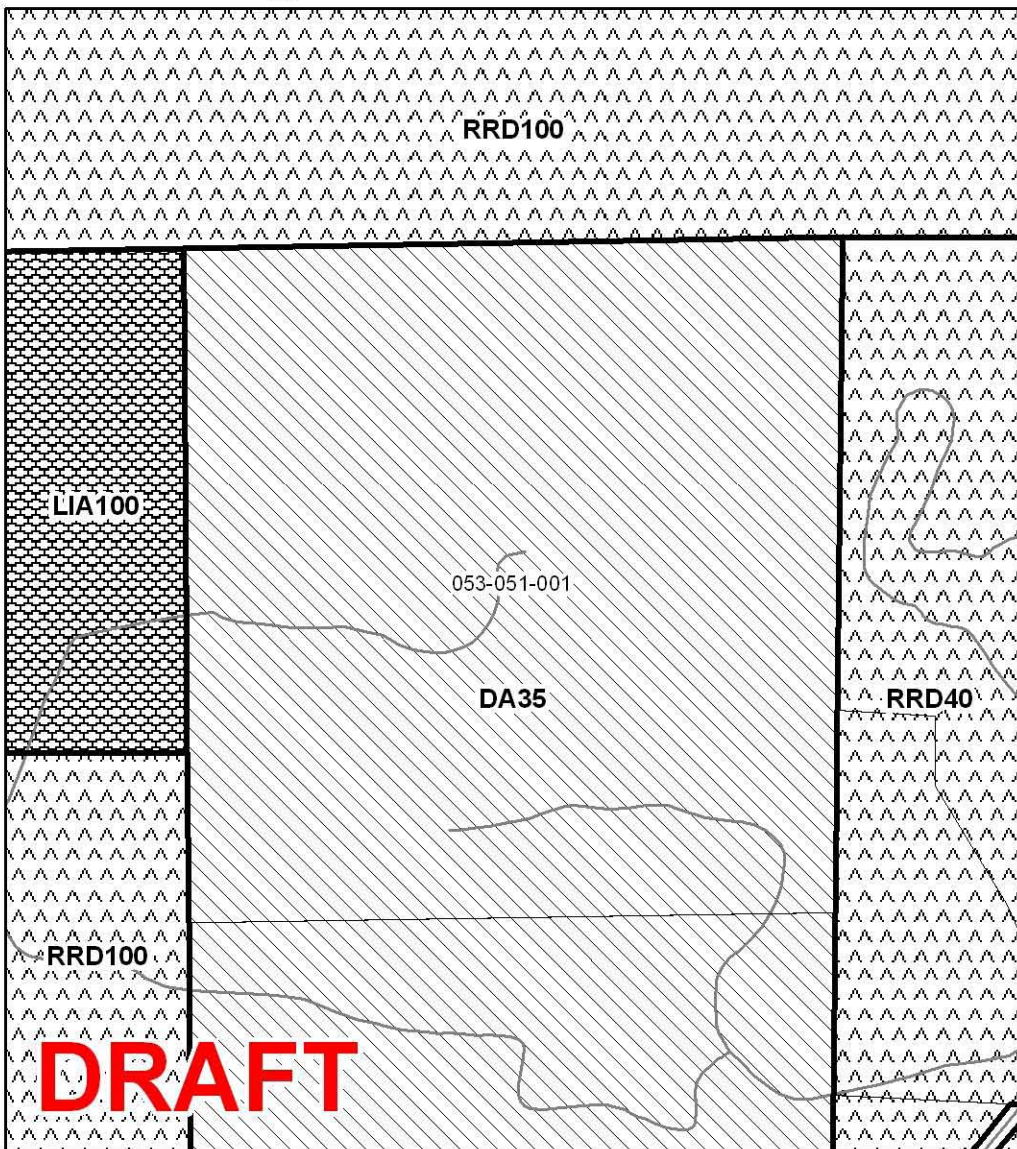
Ayes: 4      Noes: 0      Absent: 1      Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

# Existing General Plan Land Use

# Proposed General Plan Land Use



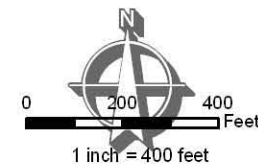
## General Plan Land Use

|  |   |  |                                      |  |                       |
|--|---|--|--------------------------------------|--|-----------------------|
|  | Diverse Agriculture                     |  | General Commercial                   |  | Planning Area Policy  |
|  | Land Extensive Agriculture              |  | Limited Commercial                   |  | AH Affordable Housing |
|  | Land Intensive Agriculture              |  | Limited Commercial Traffic Sensitive |  |                       |
|  | Resource and Rural Development          |  | General Industrial                   |  |                       |
|  | Rural Residential                       |  | Limited Industrial                   |  |                       |
|  | Urban Residential                       |  | Public / Quasi Public                |  |                       |
|  | Recreation / Visitor-Serving Commercial |  |                                      |  |                       |

Numbers on Map Indicate Maximum Density in Acres/Unit, except Urban Residential Where Numbers Indicate Units/Acre

## Base Map Data

|  |                             |
|--|-----------------------------|
|  | Subject Property            |
|  | Coastal Commission Boundary |
|  | Urban Service Areas         |
|  | Highways                    |
|  | Intermittent Stream         |
|  | Perennial Stream            |



FILE: PLP 13-0034  
 AP #: 053-051-001 (ptn)  
 Resolution No.

Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103





# Sonoma County Planning Commission **MINUTES**

Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

Date: October 3, 2013  
Meeting No.: 13-012

## ROLL CALL

### Commissioners

Don Bennett  
Paula Cook (absent)  
Jason Liles  
Pam Davis  
Greg Carr, Chair

### Staff Members

Jennifer Barrett  
Scott Hunsperger  
Denise Peter  
Yolanda Solano  
Sue Dahl  
David Hurst, Chief Deputy County Counsel

**1:00 PM** Call to order and Pledge of Allegiance

**Approval of Minutes -**

**Correspondence**

**Board of Supervisors Actions**

**Commissioner Announcements/Disclosures**

**Public Appearances –**

**Items scheduled on the agenda**

**Lloyd Guccione** commented that there is a lack of outreach, education, and community involvement for proposed changes. He has brought this up at the Board many times and there has been no effort made to expand involvement. Maybe it should be added into the budget.

**Harvey Goldberg** stated that the Riparian Corridor changes are illegal, unlawful, unconstitutional and are a regulatory "taking" that may violate public trust. Goldberg submitted a certified copy of a document from the BLM which he had recorded. The 1850 Arkansas Reclamation Act made his land a swamp and overflow land. Congress cannot pass laws that conflict with other laws. He is trying to protect his own property and wants to be left alone. Riparian rights are God given rights, and owners along body of water have a God given right to protect their property.

## UNCONTESTED CALENDAR

Item No.1 Time: 1:05 p.m.  
Applicant: Gordon Holmes  
Env. Doc: Categorical Exemption

File: PLP13-0034  
Staff: Scott Hunsperger

Proposal: Request on 1.73 acres for 1) a General Plan Amendment from the DA (Diverse Agriculture) 35 acre density designation to the RRD (Resources and Rural Development) 40 acre density land use designation; 2) an amendment to the North Sonoma Valley Specific Plan from the Resource Conservation, 40-100 acre density to the Resource Conservation, 20-40 acre density land use designation; and 3) a corresponding Zone Change from the DA (Diverse Agriculture) B6 - 35 acre density, SR (Scenic Resources) District to the RRD (Resources and Rural Development) B6 - 40 acre density, SR zoning district to fulfill a condition of approval for LLA12-0022.

Location: 3877 Trinity Road, Glen Ellen  
APN: 053-051-001 (Ptn) Supervisorial District: 1  
Zoning: DA (Diverse Agriculture), B6- 35 acre density, ST (Scenic Resources) / RRD (Resources and Rural Development ), B6 – 40 acre density, SR (Scenic Resources)

Scott Hunsperger summarized the staff report, which is incorporated herein by reference.

Public Hearing Opened and Closed: 1:30

Action: **Commissioner Bennett** moved to recommend approval to the Board of Supervisors. Seconded by **Commissioner Liles** and passed with a 4-0-1-0 vote.

Appeal Deadline: n/a  
Resolution No.: 13-013

|           |              |              |            |            |
|-----------|--------------|--------------|------------|------------|
| Carr: Aye | Bennett: Aye | Cook: Absent | Liles: Aye | Davis: Aye |
| Ayes: 4   | Noes:0       | Absent:1     | Abstain:0  |            |

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Minutes adopted October 31, 2013



# Sonoma County Planning Commission **STAFF REPORT**

## Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

**FILE:** PLP13-0034  
**DATE:** October 3, 2013  
**TIME:** 1:05 p.m.  
**STAFF:** Scott Hunsperger, Project Planner

**Board of Supervisors Hearing will be held at a later date and will be noticed at that time.**

### SUMMARY

**Applicant:** Gordon Holmes

**Owner:** Gordon Holmes/Pursuit Enterprises LLC

**Location:** 3877 Trinity Road, Glen Ellen

**APNs:** 053-051-001 (Portion) Supervisorial District No.: 1

**Subject:** General Plan Amendment, Specific Plan Amendment, and Zone Change

**PROPOSAL:** Request for a General Plan Amendment, Specific Plan Amendment, and Zone Change to fulfill a Condition of Approval for a previously approved Lot Line Adjustment (LLA12-0022) on a 1.73 acre portion of a 7.93 acre parcel to eliminate split land use and zoning on the newly configured parcels.

**Environmental Determination:** General Exemption, Section 15061(b)(3)

**General Plan:** DA (Diverse Agriculture), 35-acre density and RRD (Resources and Rural Development), 40-acre density

**Specific/Area Plan Land Use:** North Sonoma Valley/Resource Conservation, 40-100 acre density and Resource Conservation, 20-40 acre density

**Ord. Reference:** 26-02-110 (Zoning Ordinance); 25-70.3 Sonoma County Subdivision Ordinance

**Zoning:** DA (Diverse Agriculture), B6-35 acre density, SR (Scenic Resource) and RRD (Resources and Rural Development), B6-40 acre density, SR (Scenic Resource)

**Application Complete for Processing:** July 8, 2013

**RECOMMENDATION:** Recommend that the Planning Commission recommend to the Board of

Supervisors approve the General Plan Amendment, Specific Plan Amendment and Zone Change.

## **ANALYSIS**

### **Background:**

On June 15, 2012, Gordon Holmes and Pursuit Enterprises LLC received approval from PRMD staff for a Minor Lot Line Adjustment (LLA12-0022) between two parcels of 45.5 acres and 6.2 acres in size, resulting in two parcels of 43.77 acres and 7.93 acres in size. The Sonoma County Subdivision Ordinance allows for a Lot Line Adjustment between parcels in different land use and zoning designations provided a General Plan Amendment and Zone Change application is filed to ensure the district boundaries coincide with resultant property lines. The Lot Line Adjustment (LLA12-0022) included a condition that a General Plan and Specific Plan Amendment and Zone Change be submitted to rectify the resulting split in General Plan and North Sonoma Valley Specific Plan land use designation and zoning on the newly configured parcels. This condition was met when the application for the General Plan and Specific Plan Amendment and Zone Change was filed on July 2, 2013 and the Lot Line Adjustment deeds were approved and recorded on July 3, 2013.

### **Project Description:**

Request on 1.73 acres for 1) A General Plan Amendment from the DA (Diverse Agriculture) 35 acre density designation to the RRD (Resources and Rural Development) 40 acre density land use designation; 2) an amendment to the North Sonoma Valley Specific Plan from the Resource Conservation, 40-100 acre density to the Resource Conservation, 20-40 acre density land use designation; and 3) a corresponding Zone Change from the DA (Diverse Agriculture) B6-35 acre density, SR (Scenic Resources) District to the RRD (Resources and Rural Development) B6-40 acre density, SR zoning district to fulfill a Condition of Approval for LLA12-0022.

### **Site Characteristics:**

The subject site is a 1.73 acre portion of the resulting 7.93 acre parcel located to the northwest of the intersection of Trinity Road and Cavedale Road. The subject parcel is accessed by an easement from Trinity Road, is improved with a single family dwelling and vineyards, and is served by a well and private septic system. Slopes are moderate with a gradual drop in elevation to the southwest. The site contains vegetation that includes a variety of oaks and chaparral and small vineyards.

### **Surrounding Land Use and Zoning:**

Land uses in the area consist of parcels that are primarily rural residential and agricultural, developed with single family dwellings, vineyards and grazing land. The subject parcel is completely surrounded by land within the RRD (Resources and Rural Development) and DA (Diverse Agriculture) base zoning districts. Parcels in the area range from 4.31 acres to 188.54 acres in size.

## **DISCUSSION OF ISSUES**

### **Issue #1:** General Plan, North Sonoma Valley Specific Plan, and Zoning Ordinance Consistency

The proposed General Plan and Specific Plan Amendment and corresponding Zone Change affect a portion of the former parcel that was combined as a result of the Lot Line Adjustment between two parcels. A total of 1.73 acres of the newly configured parcel will be changed from the DA (Diverse Agriculture) 35-acre density to the RRD (Resources and Rural Development) 40-acre density General Plan land use designation; from the Resource Conservation, 40-100 acre density to the Resource Conservation, 20-40 acre density North Sonoma Valley Specific Plan land use designation; and from the DA (Diverse Agriculture) 35-acre density to the RRD (Resources and Rural Development) B6-40 acre

density zoning district. The General Plan and Specific Plan Amendment and Zone Change do not increase any development potential. Therefore, no changes to permitted uses will occur. In addition, the Subdivision Ordinance allows a Lot Line Adjustment between parcels in different General Plan land use and zoning districts provided that a General Plan Amendment and Zone Change are processed to ensure that General Plan land use and Zoning District boundaries coincide with resultant property lines.

The primary concern with General Plan and Specific Plan Amendments/Zone Changes for a Lot Line Adjustment is to ensure that the proposed Amendments/Zone Change and lot configurations do not increase development potential. With the 35-acre density designated on Lot A, the resulting 43.77 acre parcel can have one primary residence. With the 40-acre density designated on Lot B, the resulting 7.93 acre parcel can have one primary residence, which is the same number allowed before the Lot Line Adjustment. The reconfigured lots do not allow for any additional development that previously existed before the Lot Line Adjustment. The proposed General Plan and Specific Plan Amendment and Zone Change will not increase development or subdivision potential. Therefore, the project is in conformance with the General Plan, North Sonoma Valley Specific Plan, Zoning Ordinance, and Subdivision Ordinance.

**Issue #2:** Appropriateness of Request

By filing the application for a General Plan and Specific Plan Land Use Amendment and Zone Change, the property owner has fulfilled conditions of the previously approved Lot Line Adjustment. The General Plan Amendment and Zone Change are appropriate for the following reasons: they eliminate the split General Plan, North Sonoma Valley Specific Plan, and Zoning designations within the newly configured parcels; and they do not result in an increase in subdivision potential on the subject parcels.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend that the Board of Supervisors approve the requested General Plan and Specific Plan Amendment and Zone Change based on the following findings.

**FINDINGS FOR RECOMMENDED ACTION**

1. The proposed General Plan and Specific Plan Amendment and Zone Change for the 1.73 acres (portion of APN 053-051-001) are consistent with the RRD (Resources and Rural Development) and Resource Conservation land use designation and zoning district criteria.
2. The General Plan and Specific Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.
3. The General Plan and Specific Plan Amendment and Zone Change fulfill Condition of Approval (g) for the previously approved Lot Line Adjustment (LLA12-0022).
4. The project is exempt from CEQA pursuant to Section 15061(b)(3).

**LIST OF ATTACHMENTS**

- EXHIBIT A: Draft Ordinance and Sectional District Map  
EXHIBIT B: General Plan Map  
EXHIBIT C: Vicinity Map  
EXHIBIT D: Zoning Map  
EXHIBIT E: Lot Line Adjustment Map  
EXHIBIT F: Draft Resolution and General Plan Amendment Map

## **ORDINANCE NO.**

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM THE DA (DIVERSE AGRICULTURE) B6-35 ACRE DENSITY, SR (SCENIC RESOURCE) ZONING DISTRICTS TO THE RRD (RESOURCES AND RURAL DEVELOPMENT), B6-40 ACRE DENSITY, SR (SCENIC RESOURCE) ZONING DISTRICTS ON AN 1.73 ACRE PORTION OF THE RESULTING 7.93 ACRE PARCEL TO FULFILL A CONDITION OF APPROVAL FOR A LOT LINE ADJUSTMENT (LLA11-0022) LOCATED AT 3877 TRINITY ROAD, GLEN ELLEN; PORTION OF APN 053-051-001.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code is amended by reclassifying the following real property from the DA (Diverse Agriculture) B6-35 acre density, SR (Scenic Resource) zoning districts to the RRD (Resources and Rural Development) B6-40 acre density, SR (Scenic Resource) zoning districts on an 1.73 acre portion of a 7.93 acre parcel to fulfill a Condition of Approval for a Lot Line Adjustment (LLA11-0022) on property located approximately 2,600 feet from the intersection of Cavedale Road and Trinity Road, also known as 3877 Trinity Road, Glen Ellen; portion of APN 053-051-001; Supervisorial District No. 1. File No. PLP13-0034. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No.

SECTION II: The Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations.

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

SECTION IV: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.



In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this day of , 2013, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

|        |       |          |           |          |
|--------|-------|----------|-----------|----------|
| Gorin: | Zane: | McGuire: | Carrillo: | Rabbitt: |
| Ayes:  | Noes: | Absent:  | Abstain:  |          |

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

**SO ORDERED.**

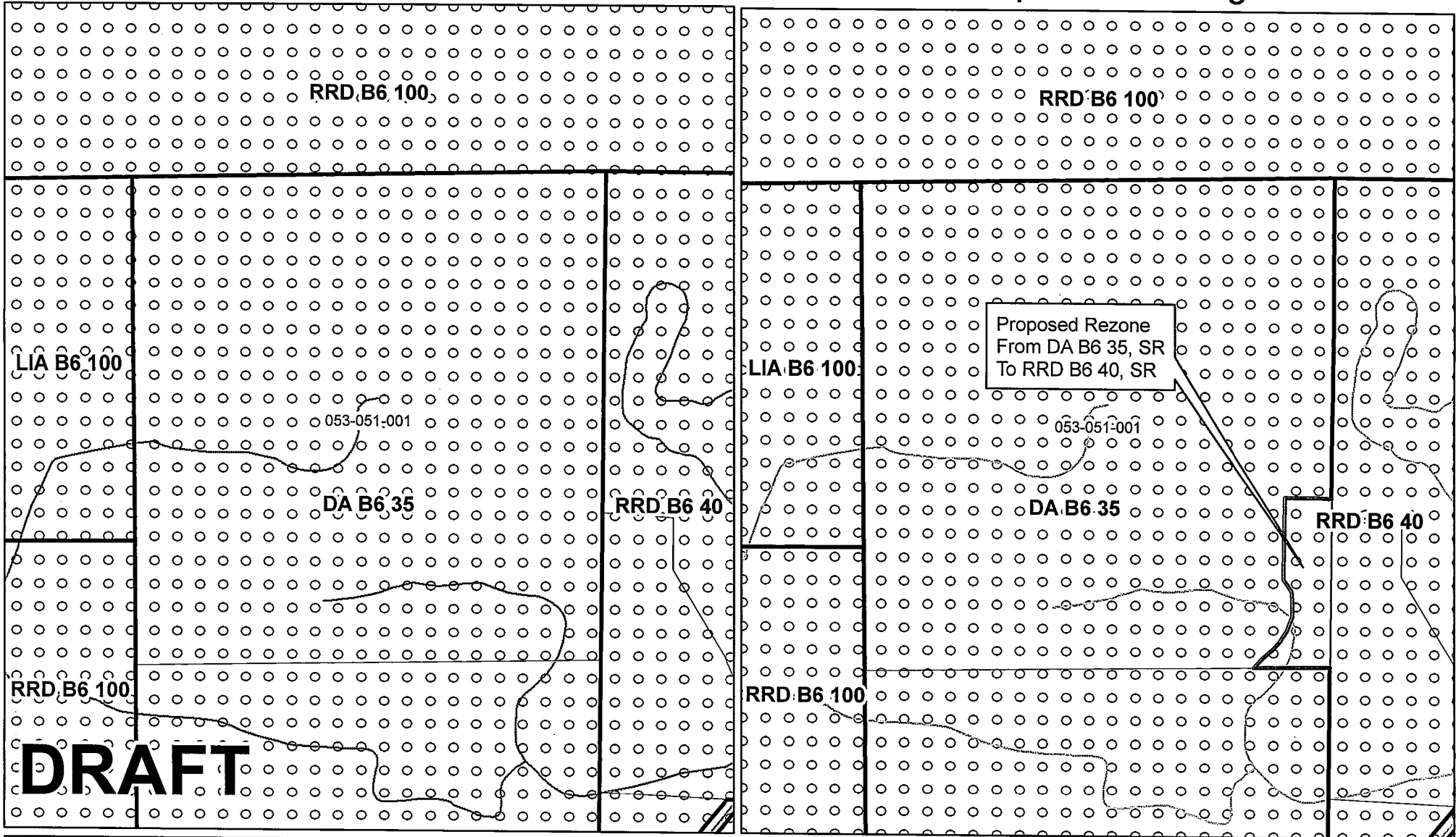
\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

**ATTEST:**

\_\_\_\_\_  
Veronica A. Ferguson  
Clerk of the Board of Supervisors

# Existing Zoning

# Proposed Zoning



## Base Map Data

- Proposed Rezone
- Basezoning by Area
- Highways
- Intermittent Stream
- Perennial Stream

## Zoning Combining Districts

- LU Policy
- AH Affordable Housing
- HD Historic District
- BR Biotic Resource
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- MR Mineral Resource

- G Geologic Hazard
- F2 Floodplain
- F1 Floodway



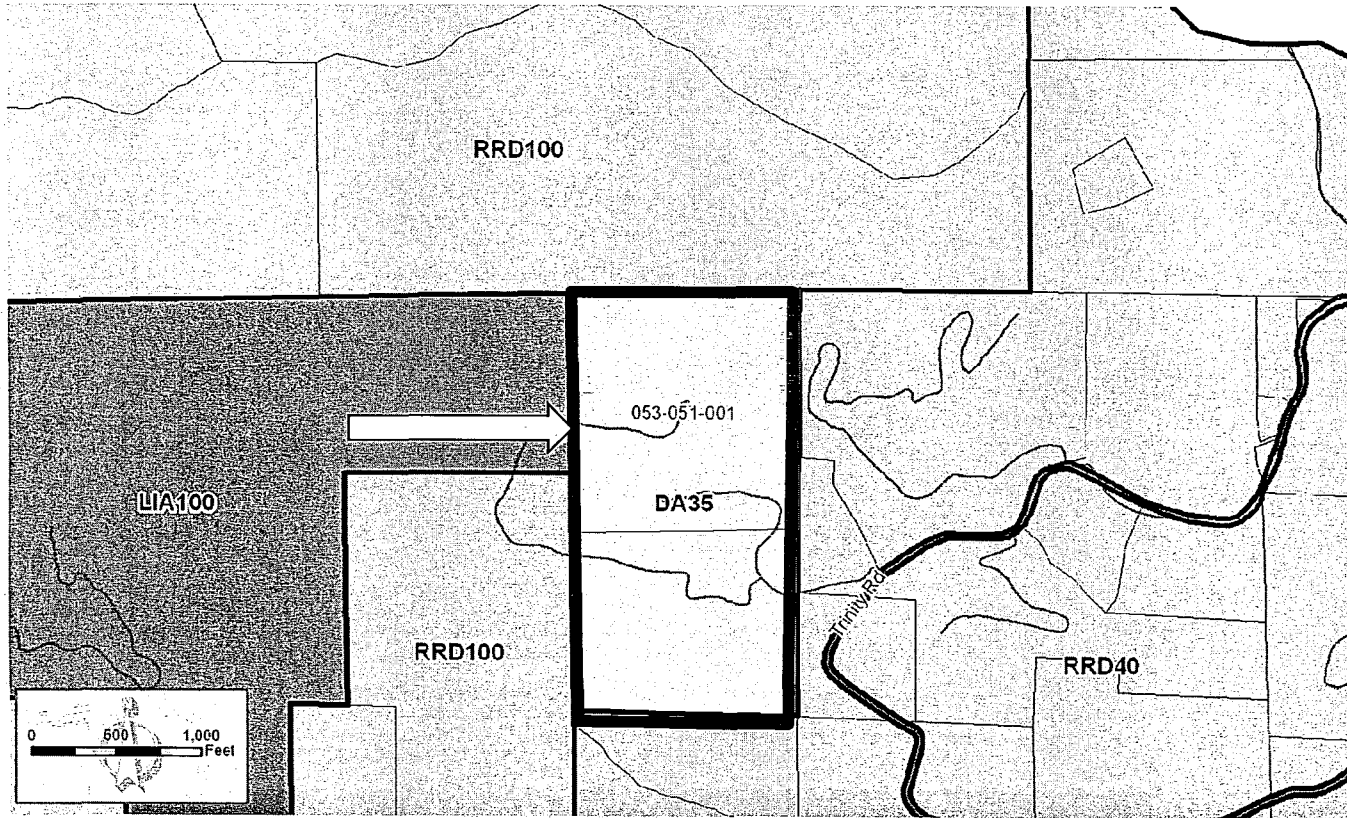
FILE: PLP 13-0034  
 AP #: 053-051-001 (ptn)  
 Ordinance No.  
 Sectional District Map No.

Permit and Resource Management Department  
 Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 565-1965 Fax (707) 565-1103

# General Plan Land Use Map

EXHIBIT B



### General Plan Land Use

- |   |                                      |
|---|--------------------------------------|
| Diverse Agriculture                     | General Commercial                   |
| Land Extensive Agriculture              | Limited Commercial                   |
| Land Intensive Agriculture              | Limited Commercial Traffic Sensitive |
| Resources & Rural Development           | General Industrial                   |
| Rural Residential                       | Limited Industrial                   |
| Urban Residential                       | Public / Quasi-Public                |
| Recreation / Visitor-Serving Commercial |                                      |

### Base Map Data

- |                      |                             |
|----------------------|-----------------------------|
| Planning Area Policy | Coastal Commission Boundary |
| Affordable Housing   | Urban Service Area Boundary |
| City                 | Highways                    |
|                      | Perennial Streams           |
|                      | Intermittent Streams        |

Numbers on map indicate maximum density in Acres/Unit, except Urban Residential where numbers indicate Units/Acre.



PRMD

PLP13-0034

# Vicinity Map

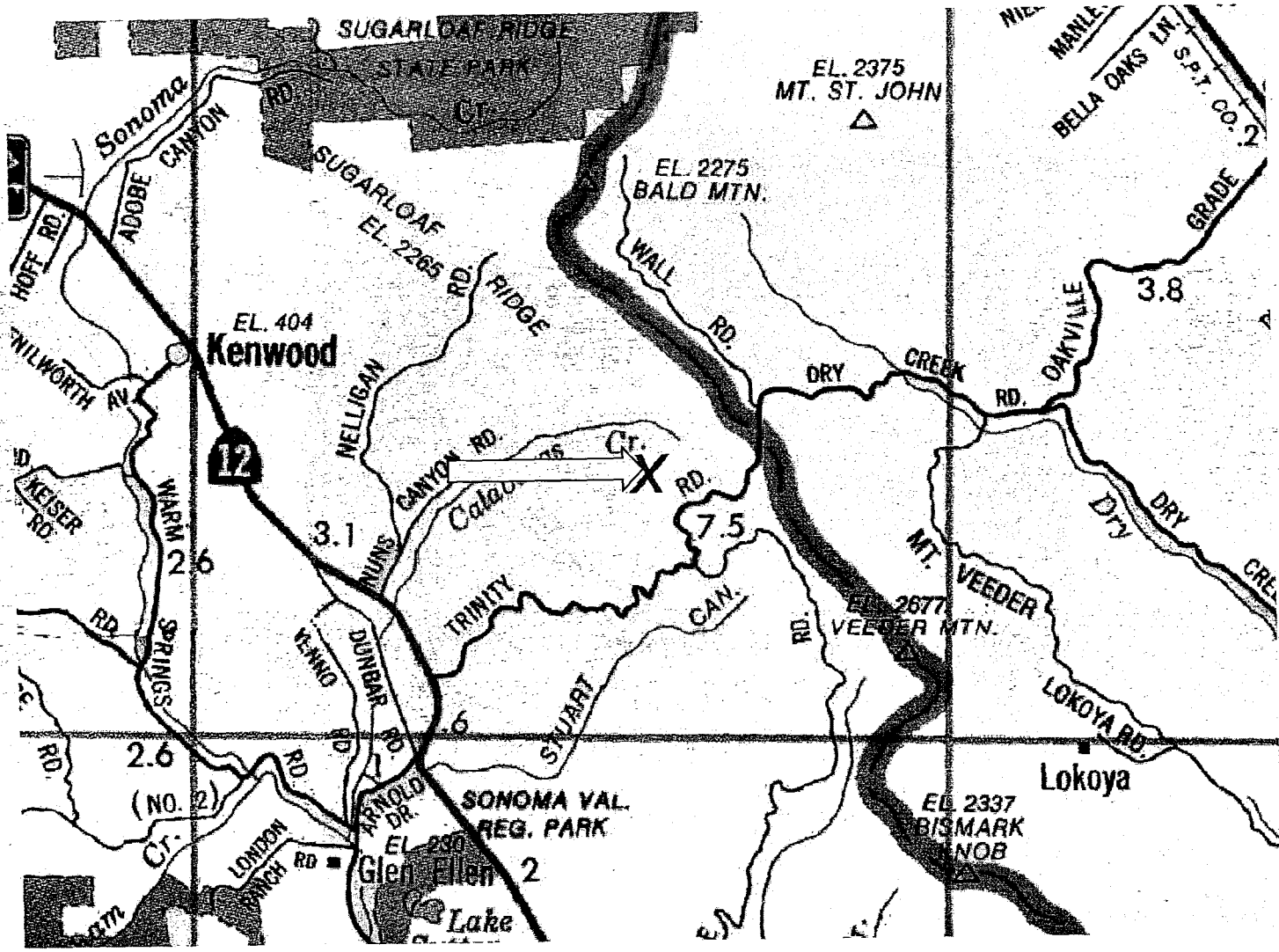


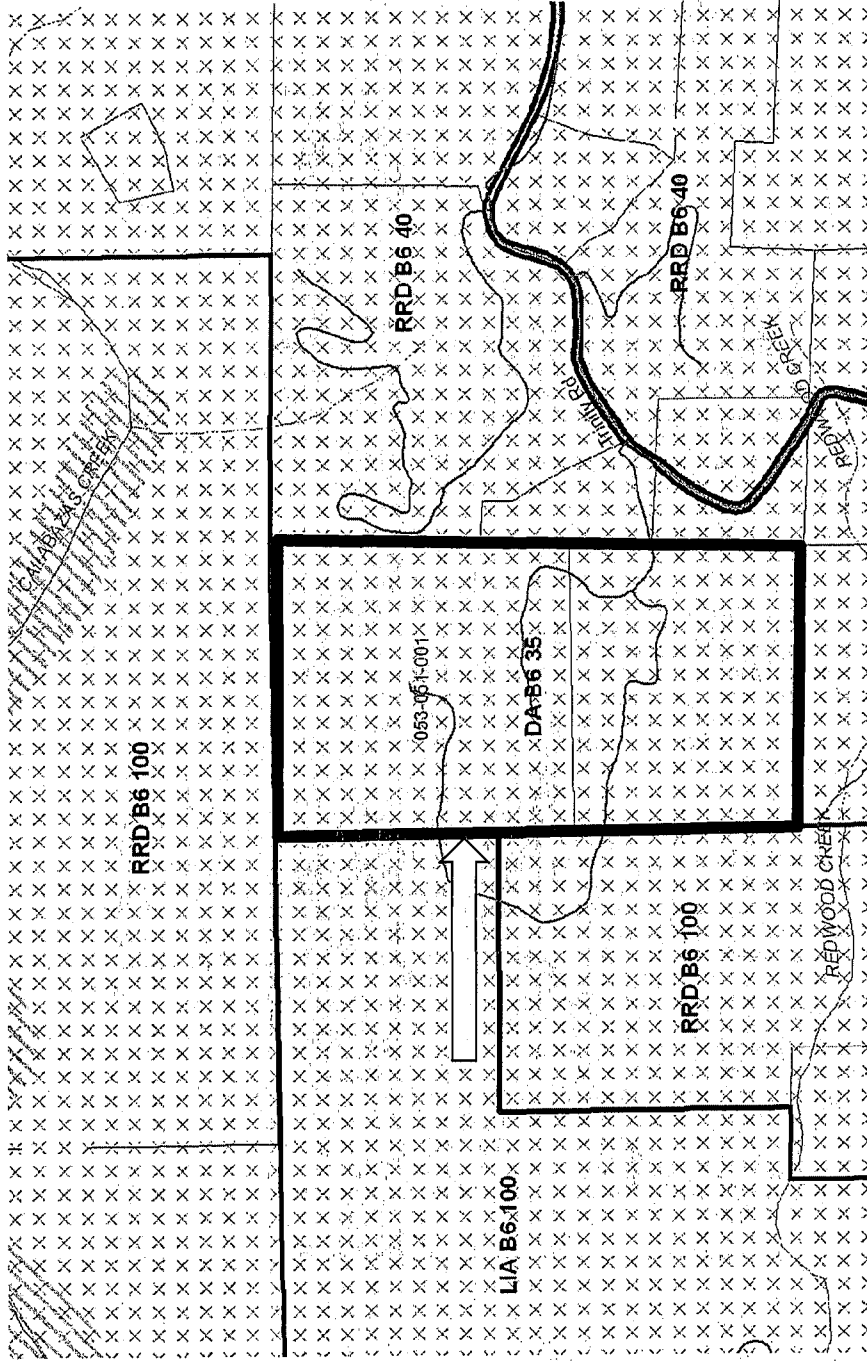
EXHIBIT C



PRMD

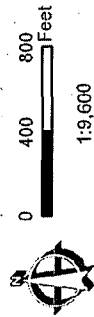
PLP13-0034

# Zoning Map



## Zoning and Combining Districts

- City Limit
- AH Affordable Housing
- LU Policy
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- BR Biotic Resource
- MR Mineral Resource
- G Geologic Hazard
- F1 Floodway
- F2 Floodplain
- HD Historic District

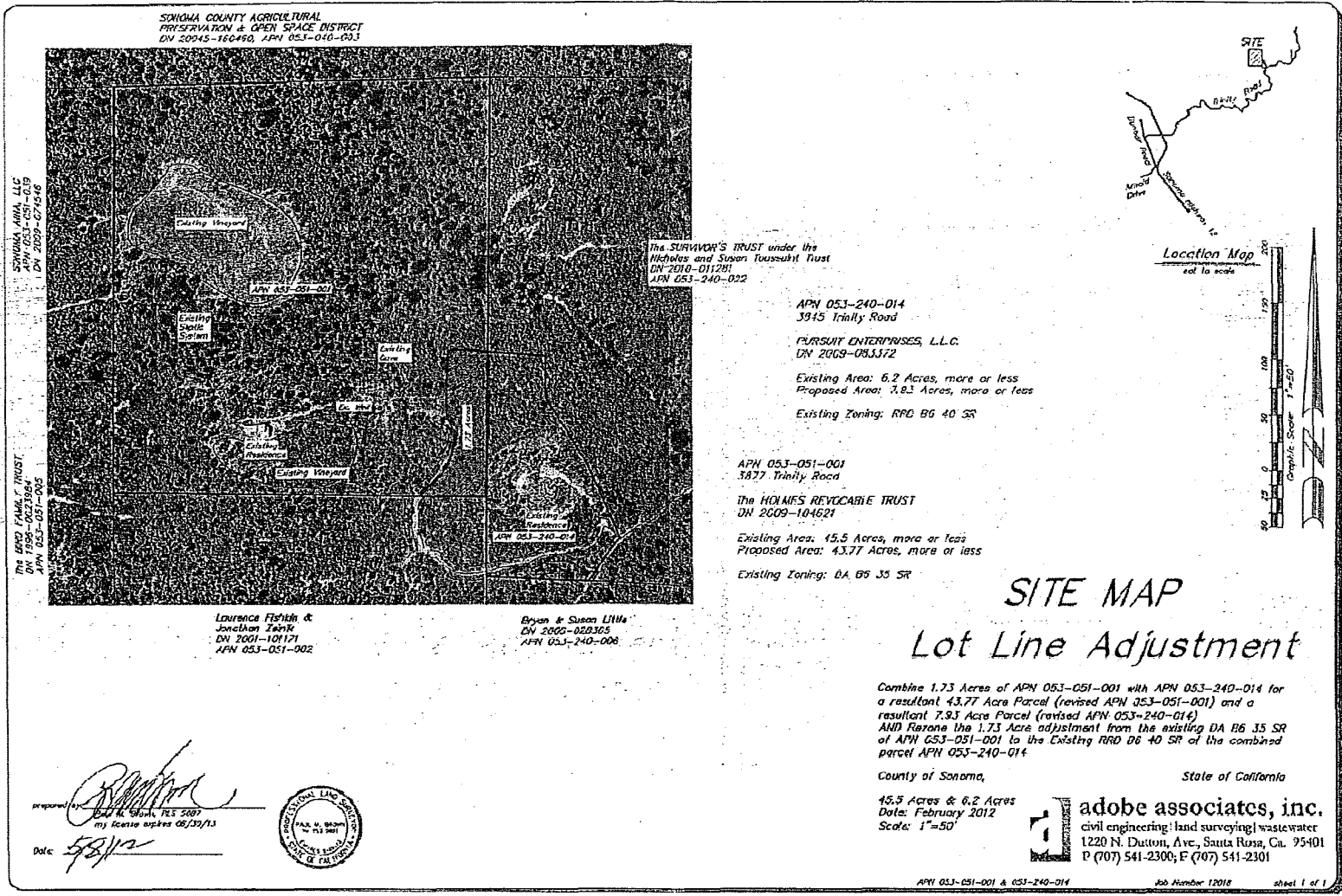


PRMD

PLP13-0034

# Lot Line Adjustment Site Map

EXHIBIT E



PRMD

PLP13-0034

Resolution Number

County of Sonoma  
Santa Rosa, California

October 3, 2013  
PLP13-0034 Scott Hunsperger

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS FIND THE PROJECT TO BE EXEMPT FROM CEQA AND APPROVE THE GENERAL PLAN AMENDMENT, SPECIFIC PLAN AMENDMENT, AND ZONE CHANGE AS REQUESTED BY GORDON HOLMES FOR PROPERTY LOCATED AT 3877 TRINITY ROAD, GLEN ELLEN; PORTION OF APN 053-051-001.

WHEREAS, the applicant, Gordon Holmes, filed an application with the Sonoma County Permit and Resource Management Department for 1) a General Plan Amendment from the DA (Diverse Agriculture) 35-acre density to RRD (Resources and Rural Development) 40-acre density land use designation; 2) an amendment to the North Sonoma Valley Specific Plan from the Resource Conservation, 40-100 acre density to the Resource Conservation, 20-40 acre density land use designation; and 3) a corresponding Zone Change from the DA (Diverse Agriculture) B6-35 acre density, SR (Scenic Resource) zoning districts to the RRD (Resources and Rural Development), B6-40 acre density, SR (Scenic Resource), SD (Scenic Design Regulations) zoning districts on an 1.73 acre portion of a 7.93 acre parcel as required by a Condition of Approval for a Lot Line Adjustment (LLA12-0022) for property located at 3877 Trinity Road, Glen Ellen; portion of APN 053-051-001; Supervisorial District No. 1 ("the Project"); and

WHEREAS, the Permit Resource and Management Department (PRMD) determined that the Project was exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the state CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on October 3, 2013, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The proposed General Plan and Specific Plan Amendment and Zone Change for the 1.73 acres (portion of APN 053-051-001) are consistent with the RRD (Resources and Rural Development) and Resource Conservation land use designation and zoning district criteria.
2. The General Plan and Specific Plan Amendment and Zone Change are necessary to ensure that the land use designation and zoning district boundaries coincide with the

new property lines and to eliminate the split zoning within the resulting parcels of the Lot Line Adjustment.

3. The General Plan and Specific Plan Amendment and Zone Change fulfill Condition of Approval (g) for the previously approved Lot Line Adjustment (LLA12-0022).
4. The Project is exempt from CEQA pursuant to Section 15061(b)(3).

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the Project to be exempt from CEQA and approve the requested General Plan Amendment, Specific Plan Amendment, and Zone Change.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Ayes:            Noes:            Absent:            Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.





## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 47**  
(This Section for use by Clerk of the Board Only.)

**To:** Sonoma County Board of Supervisors

**Board Agenda Date:** December 3, 2013

**Vote Requirement:** Majority

**Department or Agency Name(s):** Permit Resource and Management Department

**Staff Name and Phone Number:**

Ken Ellison 565-1928

**Supervisorial District(s):**

Second

**Title:** 1) Consideration of an appeal, ADA10-0005, of the Planning Commission's interpretation of allowed uses for Novato Disposal Service Inc., under PLP02-0072, and 2) Use permit modification for a previously approved recycling facility, PLP02-0072, for Novato Disposal Service Inc.

### **Recommended Actions:**

Conduct concurrent public hearings on:

1) Consideration of an appeal, ADA10-0005, of the Planning Commission's December 16<sup>th</sup>, 2010 interpretation of allowed uses for Novato Disposal Service Inc., under PLP02-0072.

2) A request for a modification of the use permit for a previously approved recycling facility (PLP02-0072 for Novato Disposal Service Inc.) to eliminate the previously permitted public recycling buy-back/drop off business, and portable toilet rental business, and used tire recycling, and a reduction in the maximum allowed 500 tons per day (TPD) of light processing recycling to 130 TPD of non-hazardous construction debris inert, and 140 TPD of single stream recycling materials, and 25 TPD of cardboard recycling (for a total reduction of 500 TPD down to 295 TPD of materials arriving on site) all within an existing building, on a 5.4 acre property located at 2543 Petaluma Blvd. South, Petaluma, APN 019-220-046 (Formally 019-220-038) , Second Supervisorial District.

Following the above hearings, it is recommended the Board take two straw votes and then continue the item to January 14<sup>th</sup>, 2014 on consent for adoption of final resolutions. The two straw votes would be (in order) to:

1) Uphold the Appeal (ADA10-0005), setting aside the December 16<sup>th</sup>, 2010 Planning Commission decision, on the grounds that the applicant has withdrawn the request and submitted a Use Permit modification application to allow the Board to more appropriately condition the project, and then 2) Adopt the Subsequent Mitigated Negative Declaration and approve the proposed Use Permit modifications to PLP02-0072 subject to the revised conditions of approval.

**Executive Summary:**

The requested concurrent public hearings involve two separate files involving the same property and the same proposed use. Novato Disposal Services Inc. first proposed that some changes to their ongoing recycling operation (primarily substituting some of their approved light recycling for construction debris inert recycling) be interpreted as consistent with their existing Use Permit (PLP02-0072). However, based on a referral from the Public Health Department, PRMD determined a Use Permit revision would be required. Novato Disposal subsequently appealed staff's determination. The Planning Commission on December 16<sup>th</sup>, 2010, on a 5/0 vote agreed the proposed substitution/changes were consistent with the existing use permit subject to certain restrictions. That Planning Commission decision was appealed to the Board of Supervisors by the Petaluma River Council, California Sportfishing Protection Alliance, and David Keller (File ADA10-0005). Subsequently, the applicant withdrew the above interpretation request (although technically the appeal remains), and submitted a new request to revise the original Use Permit (PLP02-0072) to allow the same construction debris inert recycling, plus some other minor changes.

The Board took original jurisdiction of the Use Permit revision so that all the issues in both the appeal and proposed use permit revision could be evaluated at the same time.

Attached to this Board Summary report are two Board memos. The first covers the Planning Commission appeal and related issues (ADA10-0005), and the second covers the currently proposed Use Permit modification (PLP02-0072) and related issues (including a Subsequent Mitigated Negative Declaration).

**Background:**

On February 8, 2005, the Board of Supervisors approved PLP02-0072 for a Use Permit with Design Review to legalize and expand an existing recycling and maintenance facility operated by Novato Disposal Services, Inc. at 2543 Petaluma Boulevard South. On April 24, 2006, the applicant/owner requested that a future building housing the tire and metal recycling operation be converted to construction and demolition (C&D) recycling. PRMD responded in a letter dated May 18, 2006 that the proposed C&D recycling use was compatible with the conditions of approval on the Use Permit if all C&D processing occurred within Building K (see site plan in attached Board memos).

On August 23, 2010, Novato Disposal Services submitted a Registration Permit application to the County of Sonoma Department of Health Services (Local Enforcement Agency or LEA) for a new CDI (Construction, Demolition and Inert Debris) Processing Facility along with a CDI Cardboard Processing Operation on the subject property (now withdrawn as described below). PRMD found that a proposed CDI operation would be inconsistent with the Recycling Facility use and an Administrative Determination was mailed to the owner on September 14, 2010. That determination was subsequently appealed to the Planning Commission by Novato Disposal Services, Inc. on September 16, 2010.

On November 18, 2010, the Planning Commission held a public hearing, deliberated on the matter, and on a 4-0-1 straw vote (District 2 was absent), granted the appeal. The item was continued to December 16, 2010 for a final vote to allow staff to prepare a resolution granting the appeal and to allow the District 2 Commissioner the opportunity to review the information related to the project and listen to the

recorded November 18th Planning Commission hearing. On December 16, 2010 the Planning Commission, on a 5-0 vote, determined that the proposed CDI facility and CDI Cardboard Processing operations were consistent with the existing approved Use Permit (Planning Commission Resolution Number 10-039).

On December 21, 2010, an appeal of the Planning Commission decision was filed with the Board of Supervisors by the Petaluma River Council, California Sportfishing Protection Alliance, and David Keller. The basis for the appeal to the Board was the claim that the CDI operations are inconsistent with the approved Use Permit for the Recycling Facility. The appellant also requested that a new environmental document be required and made allegations that the Planning Commission engaged in improper ex parte communications and violated the Brown Act. The appeal was scheduled before the Board of Supervisors and then continued off calendar for further review.

On May 24, 2012 the applicant filed a request for a new use permit on site (UPE12-0033), but subsequently withdrew that request.

On December 13, 2012 the applicant filed for a revision to the original Use Permit (File #PLP02-0072), effectively withdrawing their previous request to find the same uses consistent with their existing Use Permit (i.e. ADA10-0005).

On November 12, 2013, the Board of Supervisors took original jurisdiction of the Use Permit revision request (PLP02-0072).

**Location, Zoning and Use Permit Modification Proposal:**

The subject 5.4 acre property is located at 2543 Petaluma Blvd. S., Petaluma; APN 019-220-046 (Formally 019-220-038); Second District. The zoning is M1 (Limited Urban Industrial) – B8 (Frozen Lot Size) – F2 (Flood Plain Combining).

The proposed Use Permit (PLP02-0072) modification for Novato Disposal Service Inc. would:

1. Replace the allowed 500 Tons Per Day (TPD) of light processing and recycling (including cardboard) with 295 TPD recycling consisting of:
  - a. 130 TPD of CDI (Construction Demolition and Inert Debris);
  - b. 140 TPD of Source Separated Single Stream Recycling material; and
  - c. 25 TPD of cardboard recycling

All CDI (Construction Demolition and Inert Debris) and Source Separated Single Stream Recycling processing is to occur inside the existing recycling building which has a concrete floor and fire suppression system. A mist system for reducing dust will be installed prior to CDI recycling. All cardboard baling to occur in its existing location.

2. Elimination of the approved public recycling buy back center.
3. Elimination of the approved portable toilet rental business.

4. Elimination of the approved tire recycling operation.
5. Minor design changes to the previously approved canopies over existing concrete/asphalt work areas on the south and north side of the maintenance/mechanic building.
6. Change hours of operation to 24 hours per day.

These changes may result in a slight reduction in the total number of employees on site and a reduction in traffic to the site from the uses being eliminated. All other aspects of the use would remain substantially the same including placement and use of onsite mobile and stationary equipment. A more detailed project description and site plan of the use permit revision are attached in the Board Memo for the Use Permit modification.

**Prior Board Actions:**

On November 12, 2013 the Board of Supervisors took Original jurisdiction for modification of a public recycling facility (PLP02-0072).

**Strategic Plan Alignment**      Goal 2: Economic and Environmental Stewardship

Processing projects in an efficient and timely manner supports economic development in the County.

**Fiscal Summary - FY 13-14**

| Expenditures              |           | Funding Source(s)    |           |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount           | \$        |                      | \$        |
| Add Appropriations Req'd. | \$        | State/Federal        | \$        |
|                           | \$        | Fees/Other           | \$        |
|                           | \$        | Use of Fund Balance  | \$        |
|                           | \$        | Contingencies        | \$        |
|                           | \$        |                      | \$        |
| <b>Total Expenditure</b>  | <b>\$</b> | <b>Total Sources</b> | <b>\$</b> |

**Narrative Explanation of Fiscal Impacts (If Required):**

This is an at cost project paid for by the applicant, so no impact to County finances are expected.

| <b>Staffing Impacts</b>  |   |                              |                              |
|--|---|------------------------------|------------------------------|
| <b>Position Title</b><br>(Payroll Classification)  | <b>Monthly Salary Range</b><br>(A – I Step) | <b>Additions</b><br>(Number) | <b>Deletions</b><br>(Number) |
|  |   |                              |                              |
|  |   |                              |                              |
| <b>Narrative Explanation of Staffing Impacts (If Required):</b>  |   |                              |                              |
|  |   |                              |                              |
| <b>Attachments:</b>  |   |                              |                              |
| 1. Board Memo on the Planning Commission Appeal (ADA10-0005)<br><br>2. Board Memo on the Use Permit revision request (PLP02-0072), including a Subsequent Mitigated Negative Declaration |   |                              |                              |
| <b>Related Items “On File” with the Clerk of the Board:</b>  |   |                              |                              |
|  |   |                              |                              |



# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

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**DATE:** December 3, 2013 at 2:10 p.m.

**TO:** Board of Supervisors

**FROM:** Ken Ellison, Project Planner

**SUBJECT:** Hearing to consider an appeal, ADA10-0005, of the Planning Commission's interpretation of allowed uses for Novato Disposal Service Inc., under PLP02-0072, Supervisorial District No. 2.

### Action Requested of the Board of Supervisors:

The Board is requested to conduct a public hearing on the appeal, ADA10-0005, of the Planning Commission's December 16th, 2010 decision to reverse an administrative determination by PRMD and interpret the allowable uses under the existing use permit for Novato Disposal Service Inc. The Planning Commission determined that replacing a portion of the allowed light recycling with construction debris inert (CDI) recycling is consistent with the existing use permit.

At the conclusion of the hearing, staff recommends that the Board take a straw vote to:

1. Uphold the appeal and set aside the December 16th, 2010 decision of the Planning Commission as no longer necessary because the applicant withdrew their opposition and submitted a Use Permit application for the construction debris recycling under PLP02-0072; and then
2. Continue the item to January 14<sup>th</sup> 2014 on consent for adoption of a final resolution.

Alternatively, the Board may decide to take a straw vote to deny the appeal and uphold the Planning Commission determination to allow construction debris recycling. However, no modifications or conditions could be added to the existing use permit because this hearing is on an appeal of an interpretation only.

Any decision made on this appeal of the Planning Commission decision by the Board will have no effect on the existing Use Permit or Conditions of Approval. If the appeal is upheld and the Planning Commission decision is overturned, the existing Use Permit (PLP02-0072) would remain valid and any CDI recycling onsite would require a modified Use Permit as already applied for by the applicant. If the appeal is denied, the existing Use Permit conditions remain valid and CDI recycling operations would be allowed but without specific conditions relating to the CDI use.

### Prior Actions:

On February 8, 2005, the Board of Supervisors approved PLP02-0072 for a Use Permit with Design Review to legalize and expand an existing recycling and maintenance facility operated by Novato Disposal Services, Inc. at 2543 Petaluma Boulevard South. On April 24, 2006, the applicant/owner requested that a future building housing the tire and metal recycling operation be converted to construction and demolition (C&D) recycling. PRMD responded in a letter dated May 18, 2006 that the

proposed C&D recycling use was compatible with the conditions of approval on the Use Permit if all C&D processing occurred within Building K (see site plan in attached Board memos).

On August 23, 2010, Novato Disposal Services submitted a Registration Permit application to the County of Sonoma Department of Health Services (Local Enforcement Agency or LEA) for a new CDI (Construction, Demolition and Inert Debris) Processing Facility along with a CDI Cardboard Processing Operation on the subject property (now withdrawn as described below). PRMD found that a proposed CDI operation would be inconsistent with the existing recycling facility Use Permit because it did not meet the definition of Light Processing and Recycling that is listed in the zoning code, and was inconsistent with the Use Permit conditions of approval. An Administrative Determination was mailed to the owner on September 14, 2010. That determination was subsequently appealed to the Planning Commission by Novato Disposal Services, Inc. on September 16, 2010.

On November 18, 2010, the Planning Commission held a public hearing, deliberated on the matter, and on a 4-0-1 straw vote (District 2 was absent), granted the appeal. The item was continued to December 16, 2010 for a final vote to allow staff to prepare a resolution granting the appeal and to allow the District 2 Commissioner the opportunity to review the information related to the project and listen to the recorded November 18th Planning Commission hearing. On December 16, 2010 the Planning Commission, on a 5-0 vote, determined that the proposed CDI facility and CDI Cardboard Processing operations were consistent with the existing approved Use Permit (Planning Commission Resolution Number 10-039).

On December 21, 2010, an appeal of the Planning Commission decision was filed with the Board of Supervisors by the Petaluma River Council, California Sportfishing Protection Alliance, and David Keller. The basis for the appeal to the Board was the claim that the CDI operations are inconsistent with the approved Use Permit for the Recycling Facility. The appellant also requested that a new environmental document be required and made allegations that the Planning Commission engaged in improper ex parte communications and violated the Brown Act. The Board of Supervisors continued the item off calendar for further review.

On May 24, 2012 the applicant filed a request for a new use permit on site (UPE12-0033), but subsequently withdrew that request.

On December 13, 2012 the applicant filed for a revision to the original Use Permit (File #PLP02-0072), effectively withdrawing their previous request (i.e. this file) to find the same uses consistent with their existing Use Permit (PLP02-0072).

On November 12, 2013, the Board of Supervisors took original jurisdiction of the Use Permit revision request (PLP02-0072).

#### **Location, Zoning and Project Description:**

The subject property is located at 2543 Petaluma Blvd. South, Petaluma; APN 019-220-046 (Formally 019-220-038). The base zoning district is M1 (Limited Urban Industrial). Combining zone districts for the property are B8 (Frozen Lot Size) and F2 (Floodplain).

The appeal is related to the request by Novato Disposal Services, Inc. for a Registration Permit from the State of California for a non-hazardous Construction and Demolition/Inert Debris Processing Facility

(CDI) with a maximum capacity of 150 tons/day and a CDI Cardboard Processing operation with a maximum capacity of 24 tons/day at an existing recycling facility located at 2543 Petaluma Boulevard South, Petaluma. The property is approximately 5.4 acres in area and contains offices, truck maintenance and repair shops, a sorting and baling area, employee and truck parking for their curbside pick-up operations and a recently constructed 19,200 square foot metal building (Building K on the site plan - see Exhibit H) which would contain the primary CDI operations (cardboard processing would occur in the previous recycling and baling area under the existing outdoor canopies labeled H and N on the site plan).

As noted in the prior section, on December 13, 2012 the applicant filed for a revision to the original Use Permit (File #PLP02-0072) to allow CDI operations, effectively withdrawing their previous request (i.e. this file) to find the same uses consistent with their existing Use Permit (PLP02-0072).

Source separated single-stream curbside recycling sorting and transfer operations are currently in operation at the project site through another Registration Permit Process and PRMD has found that the most recent Registration Permit is consistent with PLP02-0072 (see Exhibit I).

### **ISSUES DISCUSSED AT THE PLANNING COMMISSION PUBLIC HEARING**

#### **Issue #1: Consistency Between CDI Uses and the Recycling/Transfer Facility Use Permit**

##### Discussion

The approved Use Permit (PLP02-0072) allowed for the legalization and expansion of an existing recycling facility and equipment storage/maintenance facility with a specific list of uses allowed on the property. In the Administrative Determination and staff report to the Planning Commission, PRMD found that although the two uses are similar in that both involve the recycling, sorting and transfer of materials, CDI operations are a separate, distinct use that would require a new/revised Use Permit.

At the November 18th hearing, the Planning Commission acknowledged staff's concerns with the different uses. However, the Commissioners unanimously agreed that the proposed CDI operations were consistent with the previously approved Use Permit based on the following:

1. PRMD had previously granted approval to the owner/operator (letter dated May 18, 2006) to conduct construction and demolition recycling operations entirely within Building K with no limitations on the amount of C&D to be processed as long as the operations occurred entirely within the structure (see Exhibit C). This was the primary argument cited by the Commission for their decision.
2. The proposed facility is consistent with the M1 (Limited Urban Industrial) zoning district which allows for industrial development within designated urban service areas which are limited in scale and serve the local area. They found that the proposed CDI operation is similar in scale to that of the approved uses, and the processing of building materials, concrete, earth, or similar products is permitted subject to approval of a Use Permit.
3. The amount of CDI materials to be processed on the entire property would not exceed 174 tons/day allowed by the State Registration Permit and that any increase above the 174 tons/day



would be referred to PRMD and require a separate evaluation for consistency with the existing Use Permit.

4. The proposed CDI operations are not anticipated to result in additional environmental impacts that were not previously addressed in the analysis of the original project.

The appellant's arguments regarding the inconsistency of the uses are similar to those found in the Administrative Determination. Basically, that a CDI facility and a recycling/transfer facility are similar but separate and distinct uses because of the different types of vehicles that may utilize the facility, the composition of the materials in CDI (drywall, insulation, lumber products, etc.) compared to source separated recyclables, and the percentage of materials that can be recycled from each of the waste streams. In addition, the current approved Use Permit clearly describes the permitted uses and CDI operations are not included in that list. Finally, the Zoning Code anticipates that there are other uses that may be similar to uses listed but may have additional impacts that need further analysis. Any deviation from the listed uses, without proper analysis, could potentially exceed the intensity of the uses previously analyzed.

### Resolution

Given that on December 13, 2012 the applicant filed for a revision to the original Use Permit (File #PLP02-0072) to allow CDI operations, effectively withdrawing their previous request (i.e. this ADA10-0005 file) to find the same uses consistent with their existing Use Permit, the Planning Commission decision is no longer necessary or requested by the applicant, and should be vacated.

It should be noted that the Planning Commission determination was only an interpretation of the uses allowed and did not actually amend any of the original Use Permit conditions. The Planning Commission decision to allow CDI operations still allows all of the uses originally approved by the 2002 Use Permit (the portable toilet business, scrap metal and tire recycling, recycling and sorting of paper/glass/plastic, storage of bins, dumpsters and trucks not related to the CDI operations). Therefore, vacating the Planning Commission decision (or upholding the appeal and rescinding the Planning Commission Resolution) would not alter the ability of the owner/applicant to use the site as originally approved for a recycling/transfer facility, and it would satisfy the appellant's request that CDI operations not be permitted on the site without additional review.

### **Issue #2: CEQA Compliance**

#### Discussion

The appellant raised the issue of CEQA compliance at both Planning Commission appeal hearings. Their argument centers on the exemption used by PRMD for the Administrative Determination and the Planning Commission determination (Section 15321, "Enforcement Actions by Regulatory Agencies), the CEQA definition of a "project", and the legal standard for exemptions. In addition, the appellant reiterated staff's discussion in the Planning Commission staff report which stated that the proposed CDI operations were not included in the Use Permit's previously adopted Mitigated Negative Declaration nor discussed during the public hearing process.

## Resolution

CEQA provides a list of categorical exemptions for projects that will have little or no effect on the environment. The list contains generalized conditions that in some cases are duplicated throughout, and many projects could be found categorically exempt under several sections. In addition, there is a categorical exemption for the purposes of denying a project.

Section 15321 of the State CEQA Guidelines in part states:

(a) Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:

- (1) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement.
- (2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.

Regarding the applicability of Section 15321 (a), the Administrative Determination to deny CDI uses on the site was a decision made by the County of Sonoma (a regulatory agency) enforcing the entitlement for the uses that were previously approved by a Use Permit (PLP02-0072). The Planning Commission's determination to reverse the Administrative Determination and allow CDI uses further defined what uses would be allowed to operate on the property. The decision did not result in any modifications to the actual Use Permit (i.e. no change in approved conditions; no increase in the 500 tons per day permitted; no increase or additional building area; no increase in the number of employees or work hours already approved; etc.); it simply clarified the allowable uses. As such, no significant effect on the environment would occur.

In any event, the owner subsequently filed for a revision to the original Use Permit (File #PLP02-0072) to allow CDI operations, effectively withdrawing their previous request (i.e. this ADA10-0005 file) to find the same uses consistent with their existing Use Permit. A Subsequent Mitigated Negative Declaration was prepared and circulated pursuant to CEQA guideline for that Use Permit revision request. No significant impacts were found in that Subsequent Mitigated Negative Declaration analysis.

## **Issue #3: Ex Parte Communications and Brown Act Violations**

### Discussion

As part of the appeal, the appellant asserts that the Planning Commissioners participated in improper ex parte communications with Novato Disposal Services, Inc. employees and their representatives, citing Government Code sections 11430.10-11430.80. These sections are part of the general administrative adjudicative provisions of the Administrative Procedure Act, which generally governs State Agencies. Under these sections, while that decision is pending, presiding officers are prohibited from communicating with interested parties outside of the agency without providing an opportunity for

all parties to participate in the communication. At the November 18th hearing, each of the four Planning Commissioners stated that they had met individually with Novato Disposal Services, Inc. employees and their representatives at the site to discuss the project prior to the November 18, 2010 public hearing.

The appellant also stated that the Brown Act has been violated because the Planning Commission hearing of December 16, 2010 was closed to public comment.

### Resolution

Government Code section 11430.30 expressly provides that the general administrative adjudicative provisions of the Administrative Procedure Act (including Sections 11430.10-11430.80) do not apply to a county except to the extent the provisions are made applicable by statute. No statute makes these provisions applicable to a county in the context of planning and zoning.

Regarding Brown Act issues, the Planning Commission had closed the posted and noticed public hearing on November 18, 2010, approved the project on a straw vote, and continued it to December 16, 2010 so that staff could draft a resolution to grant the appeal. No other additional public information or public comments were distributed to the Planning Commissioners for the December 16, 2010 agenda item. Therefore, there was no new information necessitating the re-noticing and re-opening of the public hearing.

### List of Attachments:

- EXHIBIT A: Planning Commission Resolution Number 10-039
  - EXHIBIT B: Planning Commission Minutes of November 18, 2010 and December 16, 2010
  - EXHIBIT C: Planning Commission Staff Reports dated November 18, 2010 and December 16, 2010
  - EXHIBIT D: Appeal Form
  - EXHIBIT E: Letters from Novato Disposal and PRMD Staff Regarding C&D use in Building K
  - EXHIBIT F: Administrative Determination ADA10-0005 dated September 14, 2010
  - EXHIBIT G: Novato Disposal Letter dated December 15, 2010
  - EXHIBIT H: Site Plans
  - EXHIBIT I: Registration Tier Permit Compliance Review dated April 22, 2011
  - EXHIBIT J: Appellant's Supporting Documents dated August 12, 2011 and December 15, 2010
-

Resolution Number 10-039

County of Sonoma  
Santa Rosa, California

December 16, 2010  
ADA10-0005 Steve Padovan

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, GRANTING THE APPEAL OF AN ADMINISTRATIVE DETERMINATION AND FINDING THAT THE PROPOSED CONSTRUCTION AND DEMOLITION/INERT DEBRIS PROCESSING FACILITY (CDI) AND SOURCE SEPARATED CDI CARDBOARD PROCESSING OPERATION IS CONSISTENT WITH THE PREVIOUSLY APPROVED USE PERMIT ON THE SITE (PLP02-0072) FOR PROPERTY LOCATED AT 2543 PETALUMA BOULEVARD SOUTH, PETALUMA; APN 019-220-038

WHEREAS, the subject property is located at 2543 Petaluma Boulevard, South, Petaluma; APN 019-220-038; Zoned M1 (Limited Urban Industrial), B8 (Frozen Lot Size), F2 (Floodplain); Supervisorial District No 2; and

WHEREAS, on February 8, 2005, the Board of Supervisors approved PLP02-0072, a Use Permit application with Design Review to legalize and expand an existing recycling and maintenance facility operated by Novato Disposal Services (the appellant) at 2543 Petaluma Boulevard South; and

WHEREAS, the Use Permit with Design Review authorized the expansion of the recycling facility to include the sorting and transfer of up to 500 tons of recyclable materials per day including a customer buy-back station, equipment and maintenance facilities, ancillary storage, above ground fuel storage and storage for portable toilet rentals;

WHEREAS, on April 24, 2006, the appellant requested in writing that the future building housing the tire and metal recycling operations be converted to C&D recycling uses and PRMD responded in a letter dated May 18, 2006 that the proposed C&D recycling use would be compatible with the conditions of approval on the Use Permit if all processing occurred within the building; and

WHEREAS, on August 23, 2010, the appellant, Novato Disposal Services, submitted a Registration Tier Permit Application to the County of Sonoma Department of Health Services (also identified as the Local Enforcement Agency or LEA) for a new Construction and Demolition/Inert Debris (CDI) Processing Facility, with a maximum capacity of 150 tons/day, along with source separated CDI Cardboard Processing operation, with a maximum capacity of 24 tons/day, at 2543 Petaluma Boulevard South, Petaluma, and Health Services Department staff requested that the Permit and Resource Management Department review the Registration Tier Permit and determine if the proposed use is consistent with the previously approved Use Permit and previously adopted Mitigated Negative Declaration; and

WHEREAS, PRMD, in it's review of the Registration Permit and the Use Permit's Conditions of Approval, found that the proposed CDI tonnage and trucking operations would be inconsistent with the Recycling Facility use that was previously approved and an Administrative Determination Letter was mailed to the owner/applicant on September 14, 2010; and

WHEREAS, on September 16, 2010, Novato Disposal Services, Inc. appealed the Administrative Determination to the Planning Commission; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on November 18, 2010, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on November 18, 2010, the Planning Commission closed the public hearing, deliberated, and on a 4-0-1 straw vote granted the appeal and continued the item to December 16, 2010 for a final vote; and

WHEREAS, on December 16, 2010, the Planning Commission reconvened the item and conducted a final vote on the project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The proposal conforms to the General Plan land use designation of Limited Industrial, which allows for industrial uses that meet service and employment needs of the surrounding area and where the range or scale of industrial uses is limited. A CDI processing and recycling operation would serve the local construction industry by providing a location in the Petaluma area for the recycling of materials.
2. The proposed facility is consistent with the M1 (Limited Urban Industrial) zoning district which allows for industrial development within designated urban service areas which are limited in scale and serve the local area. The processing of building materials, concrete, earth, or similar products is permitted with a Use Permit.
3. The sorting and transfer of recyclable materials allowed by the existing Use Permit (PLP02-0072) is similar in scope and operations to the proposed CDI facility. This is based on the following:
  - a) The amount of materials to be processed on the entire property shall not exceed 174 tons/day and all CDI operations shall occur within the newly constructed Building K
  - b) The following previously approved uses that were discontinued at the site can no longer operate on the property: the portable toilet business; scrap metal (non-CDI) and tire recycling; recycling and sorting of paper (CDI Cardboard excluded), glass and plastic; storage of bins, dumpsters and trucks that are not related to the CDI operations. In addition, no crushing of asphalt or concrete is permitted.
  - c) In making its finding of consistency with the existing Use Permit, the Commission has relied heavily on the applicant's assurances as to the 174 tons/day maximum capacity of the facility. Any increase above the 174 tons/day shall require separate evaluation for consistency with the existing Use Permit.
4. The Commission's action is categorically exempt from the provisions of the California Environmental Quality Act pursuant to the Provisions of Title 14 of the California Administrative Code, Categorical Exemption; Section 15321, "Enforcement Actions by

Regulatory Agencies." Furthermore, the proposed CDI operations are not anticipated to result in additional environmental impacts that were not previously addressed in the analysis of the original project.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the appeal and determines that the proposed Construction and Demolition/Inert Debris (CDI) Processing Facility and source separated CDI Cardboard Processing operation is consistent with the previously approved Use Permit.

BE IT FURTHER RESOLVED that this determination has been found to be Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the CEQA Guidelines because it involves the adoption of an administrative decision enforcing a general rule, standard, or objective.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Planning Commission' action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by Commissioner Schaffner, who moved its adoption, seconded by Commissioner Fogg, and adopted on roll call by the following vote:

|                           |     |
|---------------------------|-----|
| Commissioner Fogg         | Aye |
| Commissioner Bennett      | Aye |
| Commissioner Schaffner    | Aye |
| Commissioner Lynch        | Aye |
| Commissioner Shahhosseini | Aye |

Ayes: 5    Noes: 0    Absent: 0    Abstain: 0

WHEREUPON, the Chair declared the above and foregoing resolution duly adopted; and

SO ORDERED.



# Sonoma County Planning Commission MINUTES

Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

Date: **November 18, 2010**  
Meeting No.: **10-023**

## ROLL CALL

### Commissioners

Dick Fogg  
Marcel Feibusch  
Lisa Schaffner  
Tom Lynch  
Komron Shahhosseini, Chair

### Staff Members

Traci Tesconi  
Karin Theriault  
Steve Padovan  
Jennifer Barrett  
Sue Gallagher

**1:00 p.m.** Call to order and Pledge of Allegiance.

Public comments on issues not on the Agenda - **Wayne Clark**, Petaluma resident, spoke about the local election results.

**Planning Agency Report** - **Jennifer Barrett** reported that the Board of Supervisors adopted the Vacation Rental Ordinance approving the 2-tier system that allows up to 6 bedrooms.

## CONSENT CALENDAR

**Item No. 1**    **Time:**    **1:05 p.m.**    **File:**    **PLP08-0113**  
**Applicant/Owner (1):**    Bendan LLC- Attention: Barry Hofner  
**Applicant /Owner (2):**    Denise Hale Trust    **Staff:**    **Traci Tesconi**  
**Env. Doc.:**    Categorical Exemption, General Exemption, Section 15061(b)(3)

**Proposal:**    (1) On 88.20 acres (APN: 117-240-046) a request for a General Plan amendment from the RRD 320 acre density to the RRD 240 acre density; (2) a Zone Change on the same 88.20 acres from the RRDWA B6-320 acre density to the RRDWA B6-240 acre density, Z (Second Unit Exclusion) district, or other appropriate district; and (3) reduce an existing Type II Preserve Area (2-499) and enlarge an existing Type I Preserve Area (1-634) each by 88.20 acres; to allow for (4) the rescission and replacement of a Type I Williamson Act contract (1-634;07-014527) on 194.18 total acres, and (4) the rescission and replacement of a Type II Williamson Act contact (2-499-72;2606/625) on 351.8 total acres. All actions required as a result of a previously approved lot line adjustment (LLA07-0047), adjusting 88.20 acres out of one parcel (Hale Trust) and into the other parcel (Bendan LLC), in order to eliminate split density and for the Williamson Act contracts to conform with resultant property line boundaries.

**Location:**    34333 and 33344 Pine Mountain Road, Cloverdale, CA

APN: 117-240-044, 117-240-046, and 117-240-047 Supervisorial District: 4  
Zoning: RRDWA (Resource and Rural Development- Agriculture Preserve), B6-320 acre density district (Hale Trust) and RRDWA (Resource and Rural Development- Agriculture Preserve), B6-240 acre density, Z (Second Unit Exclusion) (Bendan LLC)

**Board of Supervisors Hearing will be held at a later date and will be noticed at that time.**

**Action:** Commissioner Schaffner moved to recommend approval to the Board of Supervisors as recommended by staff. Seconded by Commissioner Fogg and passed on a 4-0-1 vote.  
Appeal Deadline: N/A  
Resolution No: 10-032

**Public Hearing Opened and Closed:** 1:20 p.m.

Fogg: Aye      Feibusch: Absent      Schaffner: Aye      Lynch: Aye      Shahhosseini, Chair: Aye  
Ayes: 4      Noes: 0      Absent: 1      Abstain: 0

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**Item No. 2**      **Time:** 1:10 p.m.      **File:** PLP08-0095  
**Applicant:** Arnie Tognozzi      **Staff:** Karin Theriault  
**Owner:** Louis and Elsie Zamaroni Trust  
**Env. Doc.:** Mitigated Negative Declaration  
**Proposal:** On a 19.78 +/- acre portion of the 63 +/- acre site, request for: 1) a General Plan Amendment from the DA (Diverse Agriculture) 10 acre density land use designation to the LI (Limited Industrial) land use designation including a General Plan area policy limiting on-site uses; 2) an amendment to the South Santa Rosa Area Plan from the Diverse Agriculture 10 acre designation to the Limited Industrial land use designation; 3) a Zone Change from the DA B6 10 acre density district, MR (Mining Resources), SR (Scenic Resources), VOH (Valley Oak Habitat) to the M3 (Limited Rural Industrial District), SR, VOH designation; 4) a Use Permit to allow for the addition of a concrete batch plant, stone manufacturing, 20 annual landscape workshops in conjunction with an existing and previously approved landscape materials yard; and 5) a revision to the reclamation plan for the existing 19.78 +/- acre portion of the quarry site of a 63.15 +/- acre site.  
**Location:** 3500 Petaluma Hill Road, Santa Rosa  
**APN:** 044-190-008      **Supervisorial District:** 3  
**Zoning:** DA B6 10 acre density district, MR (Mining Resources), SR (Scenic Resources - Scenic Landscape Unit and Scenic Corridor - Petaluma Hill Road), VOH (Valley Oak Habitat)

**Karin Theriault** summarized the written staff report which is incorporated herein by reference.

**Questions from Commissioners:** **Commissioner Lynch** asked about the status of the reclamation application. **Karin Theriault** said that the applicant is still contemplating their next action. **Jennifer Barrett** said that the site is abandoned.

**Public Hearing Opened:** 1:30 p.m.

**Speakers:** **Jean Kaplochok**, representing the applicant, said that the site is being reclaimed and they are working with staff on a resolution. She went on to say that the application sounds confusing, however, the 1989 use permit does allow for stone fabrication. In addition, staff is allowing a special area policy which opens the door for the use. Her concern is that the special area policy is too restricted and would like the special area policy to be amended. The following is the recommended General Plan policy:

*"Policy LU-16aa: The "Limited Industrial" designated portion of A.P.N.. 044-190-008 (approximately 19.78 +/- acres of the 63.15 +/- acre site) is intended to allow the existing landscape materials yard, pug mill, concrete batch plant, concrete recycling operations and stone manufacturing facility to operate as legal uses. See project file PLP08-0095 for a detailed project description, site plan and project conditions. The operator may repair and maintain the facility, or*



*replace it in the event of damage or destruction only in the area designated as "Limited Industrial." No other uses listed in the "Limited Industrial" land use designation or the M3 (Limited Rural Industrial) District shall be allowed other than the described project. The remaining areas of the site shall retain the DA (Diverse Agriculture) land use and zoning designation and shall be restricted to the uses permitted in that district."*

**Public Hearing Closed:** 1:40 p.m.

**Commission Discussion:** Commissioner Fogg thanked staff for her comprehensive staff report.

**Action:** Commissioner Shahhosseini moved to recommend approval to the Board of Supervisors with modified policy language. Seconded by Commissioner Schaffner and passed on a 4-0-1 vote.  
Appeal Deadline: N/A  
Resolution No: 10-033

Fogg: Aye      Feibusch: Absent      Schaffner: Aye      Lynch: Aye      Shahhosseini, Chair: Aye  
Ayes: 4      Noes: 0      Absent: 1      Abstain: 0

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**Item No. 3    Time:** 2:00 p.m.      **File:** ADA10-0005  
**Applicant:** Novato Disposal Service, Inc.      **Staff:** Steve Padovan  
**Env. Doc.:** Categorical Exemption; Section 15321, "Enforcement Actions by Regulatory Agencies  
**Proposal:** Deny the appeal and uphold the administrative determination that the proposed Construction and Demolition/Inert Debris Processing Facility (CDI) and source separated CDI Cardboard Processing operation is inconsistent with the previously approved Use Permit and a new Use Permit is required.  
**Location:** 2543 Petaluma Blvd. South, Petaluma  
**APN:** 019-220-038      Supervisorial District: 2  
**Zoning:** M1 (Limited Urban Industrial), B8 (Frozen Lot Size), F2 (Floodplain)

**Commissioner Declarations:** Commissioners Fogg, Schaffner, Lynch and Shahhosseini all declared that they either met with the applicant/appellants or visited the site.

Steve Padovan summarized the written staff report which is incorporated herein by reference.

**Public Hearing Opened:** 2:30 p.m.

**Speakers:** Richard Drury, cited government code section 11430.10 with respect to ex parte communication with the Planning Commissioners and based on that, the sitting Commissioners should recuse themselves.

Sue Gallagher, County Counsel said that there were no violations of ex parte communication or the Brown Act, therefore we could continue with the hearing.

Ernie Carpenter, representing the appellant, provided the Commission with a handout. He explained the difference between CDI and C&D. He gave some background with respect to the ministerial approval and the appeal of that decision. He said that there are no violations on the property and almost all of the improvements have been made. He added that there will be no significant changes in the operation. And since there is also a State Regulation Permit required, the local enforcement agency (LEA) must make a site visit once a month. He said this is not for the public or contractors and only Novato Disposal trucks are allowed to use the facility. There will be far less total truck trips and all the trucks are parked on-site. It will be a much less intense use on the site. The benefits are that the south county will have a C&D facility. It is located in an industrial area and there is a recently constructed bioswale that collects rainwater runoff. There is another similar operation in the Town of Windsor that does not require a use permit because the use occurs within an enclosed structure.

Richard Drury, representing the Petaluma River Council, opposes the project and contends that there are violations

because of run off from the facility into the Petaluma River. He agrees with staff's recommendation. He contends that there is a difference between a recycling facility and a C&D facility. There are fire hazard, dust, odor and toxic debris concerns. He wants a new environmental review study done to address the concerns and additional mitigating measures. He contends that there should have been a hearing when they modified their operations in 2006.

**David Keller**, Petaluma River Council, supports staff's determination. He is very concerned about the well being of the River and would like this portion of the River to be cleaned up. Before the bioswale was built, runoff from the site went directly into the River.

**Ernie Carpenter** said that there is no runoff from this site. There will be roofs built over every outside building and no rainwater will reach any materials. The LEA has accepted the new project. He said that Mr. Drury's comments relate to a previous proposal. There are two fire hydrants and a fire management plan. The dust will be contained in an enclosed building. The mound system is monitored monthly and given to PRMD. The site is completely cleaned up. Commissioner Bennett asked if there had been any prior indemnifications and Mr. Carpenter stated there was one for Environmental Health and one for PRMD/Planning. Commissioner Lynch asked what additional measures could be taken to improve bioswale samples. Mr. Carpenter stated that Best Business Management Practices are employed such as leak detection in the vehicles, repair of equipment, and use of holding tanks to avoid contamination of groundwater.

**Public Hearing Closed: 3:25 p.m.**

#### **Commission Discussion:**

**Deputy Director Barrett** clarified that the issue before the Commission today on this appeal is not whether this use has any environmental impacts; the decision today is whether this particular proposal requires a modification of their former Use Permit.

**Chair Shahhosseini** asked for clarification on the indemnification agreements and **County Counsel** stated that there is a standard indemnification provision which would relate to the approvals given in 2005, but she did not know if there was an additional indemnification agreement signed with the appeal. **County Counsel** stated that if the Commission decided that this was all within the scope of the 2005 permit, she would have to look at the indemnification to ensure that it covers not only the 2005 approval but any decisions that follow thereafter as well. Counsel stated that denial or approval of the appeal should be based on whether the proposed use fits within the scope of the previously approved Use Permit and it should not depend upon whether or not the applicant would indemnify the County

**Commissioner Schaffner** said the existing Use Permit references the sorting and transferring of recycled materials, and the C&D operation is similar. Also, she believes that the environmental issues will get resolved at another venue.

**Commissioner Shahhosseini** said there is not enough disparity between the two uses and agrees with Commissioner Schaffner, especially because the original letter stated there was no limitation on the additional amount of C&D.

**Commissioner Lynch** also agrees with his fellow commissioners and believes they can continue with their operation.

**Commissioner Fogg** also agrees citing what Commissioner Schaffner said and stated that the number of truck trips will be reduced from 200 to 79, appellant is moving from 500 tons of single stream to 174 tons of C&D material, and nothing on the physical site is really changing. He believes it is a reasonable request.

**Commissioner Schaffner** thanked staff for his work.

**Deputy Director Barrett** stated that there is nothing in this permit that limits C&D to 174 tons/day, that the permit is for 500 tons/day. **Staff Padovan** added that any increase above the 174 tons/day would be separately evaluated for consistency with the existing Use Permit. County Counsel stated that if the Commission determined that this proposal is within the scope of the Use Permit, the Commission could specify the grounds on which the Commission is making the determination and the Commission could specify that it was for 174 tons/day and this could be specified in the Resolution, and that there should be no additional increases above this amount. Any increase would have to be separately evaluated with the Use Permit.

**Deputy Director Barrett** suggested that the determination be based on 174 tons/day, that it be entirely within building

K, and that the uses that are going away no longer be operating on the site.

**Sue Gallagher** said that since there has now been a public hearing, no further ex parte communications are allowed. She stated that the public hearing is closed and the hearing will be continued for further Commission deliberation only.

**Action:** Continued to December 16, 2010 at 1:05 p.m.  
Appeal Deadline: N/A  
Resolution No: N/A

Fogg: Aye                      Feibusch: Absent      Schaffner: Aye              Lynch: Aye                      Shahhosseini, Chair: Aye  
Ayes: 4                              Noes: 0                              Absent: 1                      Abstain: 0

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Minutes adopted on December 16, 2010



# Sonoma County Planning Commission MINUTES

Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

Date: December 16, 2010  
Meeting No.: 10-026

## ROLL CALL

### Commissioners

Dick Fogg  
Don Bennett  
Lisa Schaffner  
Tom Lynch  
Komron Shahhosseini, Chair

### Staff Members

Steve Padovan  
Jennifer Barrett  
David Hurst

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1:00 PM Call to order and Pledge of Allegiance

**Approval of Minutes** - November 18, 2010 with changes.

**Planning Agency Report** - At the last Board hearing Approved Frost Protection Ordinance on December 14, final vote on Dutra to approve, approved the remaining GPA projects, approved Penngrove Design Guidelines and Russian River Design Guidelines, final approval of Roblar Road Quarry Project and the Easement interpretation for that project, approved Open Space Easement for Syar Phase 6. Additional report that our Marijuana Dispensary Ordinance was upheld in the court of appeal.

**Public Comments on Issues not on the Agenda - Richard Drury**, representing Petaluma River Council and CA Sport Fishing and Protection Alliance, speaking about the threshold question of whether public testimony will be taken on agenda Item #1, Novato Disposal Service, Inc. **County Counsel** informed Mr. Drury that public testimony will not be allowed. Mr. Drury stated for the record that he had submitted a 30-page written comment letter for the administrative record that raises what he believes are serious legal concerns with the project under the California Environmental Quality Act (CEQA), Use Permit law and the Brown Act, and also for improper ex parte communications. He urged the Planning Commission to take public comment today and hear the concerns. At this point, he wanted to talk about the Brown Act since that is not on today's agenda. He believes public testimony is required for two reasons: 1) the Brown Act requires public testimony for any project that is on the agenda and clearly, Novato Disposal is on the agenda today; 2) even if this were deemed a continuation of a previous meeting at which the public testimony phase of the hearing was closed, the staff report has been altered 180 degrees. **Mr. Drury** stated the prior project recommendation was to reject the appeal, require a new Use Permit for Novato Disposal, and require CEQA review. **Mr. Drury** said now staff is recommending that a new Use Permit not be required and to exempt the project entirely from CEQA review; this is not a minor modification, but rather the "opposite" project with a new resolution. Therefore, since it is a new project with a new staff recommendation, **Mr. Drury** stated that under the Brown Act, new public comment should be allowed.

**County Counsel** responded: the position taken was that a full and fair hearing was held and public testimony was taken; the public hearing was closed. This item is simply here for a final decision today. **County Counsel** said there is not a change in staff's recommendation, but that staff is bringing back a resolution that is consistent with the straw vote taken on November 18, 2010. **County Counsel** stated the Commission was free to go forward with today's hearing if it felt that the resolution before them today accurately reflected their straw vote in November; if, however, the Commission wanted to reopen the public hearing because it felt it needed to consider any new information, today's hearing would need to be continued and the item would need to be re-noticed for a future date.

**David Keller** - Petaluma River Council - correction to minutes of 11/18/2010 before Commission today for approval. **Mr. Keller** stated that in regard to questions of any outstanding violations at the site, the answer was there are outstanding Clean Water Act violations in the hundreds on the federal level on the site; a Notice of Intent to Sue was filed under the Clean Water Act. The latter violations are outstanding and have not been corrected; that is part of the reason he wants to see CEQA review on this site for its new intended uses.

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## REGULAR CALENDAR

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|                   |                   |   |                              |                   |
|-------------------|-------------------|---|------------------------------|-------------------|
| <b>Item No. 1</b> | <b>Time:</b>      | <b>1:05 p.m.</b>  | <b>File:</b>                 | <b>ADA10-0005</b> |
|                   | <b>Applicant:</b> | <b>Novato Disposal Service, Inc.</b>  | <b>Staff:</b>                | Steve Padovan     |
|                   | <b>Env. Doc.:</b> | Categorical Exemption; Section 15321, "Enforcement Actions by Regulatory Agencies   |                              |                   |
|                   | <b>Proposal:</b>  | To overturn the Administrative Decision and grant the appeal determining that a proposed Construction and Demolition/Inert Debris Processing Facility (CDI) and CDI Cardboard Processing operation is consistent with the previously approved Use Permit. |                              |                   |
|                   | <b>Location:</b>  | 2543 Petaluma Blvd. South, Petaluma   |                              |                   |
|                   | <b>APN:</b>       | 019-220-038   | <b>Supervisory District:</b> | 2                 |
|                   | <b>Zoning:</b>    | M1 (Limited Urban Industrial), B8 (Frozen Lot Size), F2 (Floodplain)  |                              |                   |

**Steve Padovan** summarized the written staff report which is incorporated herein by reference.

**Commission Discussion:** **Commissioner Bennett** stated that he had not been present at the prior meeting on this project, but that he had reviewed the audio and the minutes. He asked staff to clarify the letter written by PRMD staff in May 2006 since it looked as if the decision on this project hinged largely upon this letter.

**Staff Padovan** clarified that in May 2006 the applicant had already gotten their approval for their operations which included tire and metal recycling, portable toilet business, sorting and transfer of separated household recycling, and an operation for the maintenance and repair of vehicles. At that time the applicant was going through the process of getting approvals for some new buildings. In April 2006 the applicant sent a letter to PRMD staff stating they were not going to do the tire and metal recycling in the building and they wanted to convert it to construction and demolition. At that time staff looked at the latter issue and determined it was a small part of the operation and it would be done entirely within the building so there would not be a problem with the applicant trading the uses out, one for the other. In hindsight, staff believes that if the applicant wanted to amend the project, he should have gone back through the application process; however, in the 2006 letter, staff granted the applicant the ability to trade out the uses. The applicant, however, never did C&D on the site and just six months ago the building was erected with the intention of now doing C&D. The Commission felt that since PRMD staff had granted the applicant permission to trade out the uses in 2006, the applicant was under the impression that they should be able to do the C&D use without further hindrance. **Commissioner Bennett** stated he was worried about the requirement for CEQA review on this use and asked if the C&D use would be enclosed within Building K only. Staff responded that all the C&D Recycling, other than cardboard sorting, would be done within the building. **Commissioner Bennett** asked staff if the CEQA review issue was the concern when staff recommended denial for this project or was it the fact that the Use Permit they're operating under did not include C&D. Staff responded that the critical issue was that none of the uses approved under the Use Permit are going to be operating on the site anymore and that it is basically switching over to C&D. If Use Permits are not revised to reflect the changes in the uses, it becomes very difficult to enforce them. Staff did not have an issue with the use, staff just wanted the Use Permit revised to reflect the current uses on the site; the idea was just to clean up the uses currently operating on the site.

**Commissioner Fogg** asked if the 174 tons/day maximum included the cardboard. Staff responded that it did include it: 150 tons of building material demolition plus 24 tons of cardboard.

**Deputy Director Barrett** clarified that the decision before the Commission today is whether the proposed C&D is consistent with their Use Permit and they can go forward without any further Use Permit amendments. The direction from the Commission was based upon the applicant being able to do 174 tons/day under the State permit and the Commission felt it was appropriate for them to do that based on our prior approval to allow them to do C&D on the site. However, there is no limit now with regard to C&D; there is only 500 tons/day for the whole site for the Use Permit. There are no conditions being added to the Use Permit. The findings the Commission is making here is that under

these parameters, they felt it would be consistent. If the applicant applies with the State to go above 174 tons/day, PRMD would say at that time that the Use Permit needed to be changed. Because the State permit only allows 174 tons/day of CDI, the State would then have a Tier 3 permit and they would refer it to PRMD who could then look at the Use Permit for revisions; at that time a new Use Permit could be required.

**Commissioner Bennett** asked if a revision to the Use Permit would automatically trigger CEQA review. **Deputy Director Barrett** responded that this would generally be the case. Typically, there is a CEQA exemption for minor modifications to Use Permits where there is an existing building on an existing site with an existing use. The CEQA decision has not been made because we do not have a Use Permit before us.

**Continued from November 18, 2010**

**Action:** **Commissioner Schaffner** moved to grant the appeal and overturn the administrative determination. Seconded by **Commissioner Fogg** and passed on a 5-0 vote.

Appeal Deadline: 10 calendar days

Resolution No: 10-039

Fogg: Aye

Bennett: Aye

Schaffner: Aye

Lynch: Aye

Shahhosseini, Chair: Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

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Meeting adjourned 1:45 p.m.

**Minutes Adopted 2/3/11**



# Sonoma County Planning Commission STAFF REPORT

Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

**FILE:** ADA10-0005  
**DATE:** November 18, 2010  
**TIME:** 2:00 p.m.  
**STAFF:** Steve Padovan

Appeal Period: 10 calendar days

## SUMMARY

**Appellant:** Novato Disposal Service, Inc.

**Owner:** Novato Disposal Service, Inc.

**Location:** 2543 Petaluma Boulevard South, Petaluma  
APN 019-220-038 Supervisorial District No. 2

**Subject:** An appeal of an administrative determination that a proposed Construction and Demolition/Inert Debris Processing Facility (CDI) and source separated CDI Cardboard Processing operation is inconsistent with the previously approved Use Permit on the site (PLP02-0072) and that a new/modified Use Permit must be obtained.

**Environmental Determination:** Categorical Exemption; Section 15321, "Enforcement Actions by Regulatory Agencies."

**General Plan:** Limited Industrial

**Specific/Area Plan:** Petaluma Dairy Belt Plan  
**Land Use:** Limited Industrial

**Ord. Reference:** Section 26-46-020(z)

**Zoning:** M1 (Limited Urban Industrial), B8 (Frozen Lot Size), F2 (Floodplain)

**Application Complete for Processing:** September 24, 2010

**RECOMMENDATION:** Deny the appeal and uphold the administrative determination that the proposed Construction and Demolition/Inert Debris Processing Facility (CDI) and source separated CDI Cardboard Processing operation is inconsistent with the previously approved Use Permit and a new/modified Use Permit is required.

## ANALYSIS

### Background:

On September 12, 2002, the applicant, Novato Disposal Services, Inc., submitted an application to expand its existing truck yard/repair facility to include refuse collection and recycling facilities serving primarily residential curbside collection trucks. On February 8, 2005, the Board of Supervisors approved PLP02-0072 for a Use Permit and Design Review application to legalize and expand the existing recycling and maintenance facility for Novato Disposal Services, Inc. at 2543 Petaluma Boulevard South (Exhibit E). The project is described in the Use Permit Resolution as a "light processing recycling facility with maintenance and repair facilities and a portable toilet storage business" and in the Conditions of Approval as follows:

*"A Use Permit and Design Review Permit to legalize and expand an existing recycling facility for the sorting and transfer of recyclable materials including a customer buy-back station, equipment and maintenance facilities, ancillary storage, above ground fuel tank storage and storage for portable toilet rentals on a 5.4 acre site for North Bay/Novato Disposal. Total building area will not exceed 36,000 square feet with several new structures including a spray paint booth, metal and tire recycling building, renovated truck repair facility and canopies over the recycling areas. Total daily tonnage is not to exceed 500 tons per day."*

On April 24, 2006, the applicant/owner requested in writing (Exhibit F) that the future building housing the tire and metal recycling be converted to construction and demolition (C&D) recycling uses (the portable toilet rental business and tire recycling operations had previously been discontinued on the site). PRMD responded in a letter dated May 18, 2006 (see Exhibit G) that the proposed C&D recycling use would be compatible with the conditions of approval on the Use Permit if all C&D processing occurred within the building. The metal building was constructed in 2010.

On August 23, 2010, Novato Disposal Services submitted a Registration Tier Permit Application (Exhibit J) to the County of Sonoma Department of Health Services for a new Construction and Demolition/Inert Debris (CDI) Processing Facility along with source separated CDI Cardboard Processing operation at 2543 Petaluma Boulevard South. The Health Services Department staff requested that the Permit and Resource Management Department (PRMD) review the Registration Tier Permit and determine if the proposed use would be consistent with the previously approved Use Permit and previously adopted Mitigated Negative Declaration. (Note: C&D is not a use type defined in the Zoning Code but is defined in the Sonoma County Integrated Waste Management Plan as solid wastes resulting from construction, remodeling, and repair and demolition operations. CDI is the term currently used to describe these same types of materials, therefore, the two terms are interchangeable.)

PRMD's review of the Registration Permit and the Use Permit's Conditions of Approval found that the proposed CDI tonnage and trucking operations would be inconsistent with the Recycling Facility use that was previously approved. An Administrative Determination (Exhibit H) was mailed to the owner on September 14, 2010. That determination was subsequently appealed by Novato Disposal Services on September 16, 2010, which is the subject of this hearing.

### Project Description:

The appellant is requesting that the Planning Commission grant an appeal of PRMD's Administrative Determination and find that the proposed use is consistent with the existing Use Permit.

The appellant is proposing to establish a non-hazardous Construction and Demolition/Inert Debris Processing Facility (CDI) with a maximum capacity of 150 tons/day and a source separated CDI Cardboard Processing operation with a maximum capacity of 24 tons/day at their existing facility located at 2543 Petaluma Boulevard South, Petaluma. The property is approximately 5.4 acres in area and contains



offices, truck maintenance and repair shops, a sorting and baling area, employee and truck parking for their curbside pick-up operations and a recently constructed 19,200 square foot metal building (Building K on the site plan). Building K will be utilized for the Construction and Demolition/Inert Debris Processing Facility (CDI) and CDI cardboard processing along with the storage bins containing separated CDI materials will occur in the previous recycling and baling area (Buildings H and N). Only trucks and collection bins related to the CDI collection services will be stored on the property. No household curbside collection operations or other non-CDI operations will occur at the project site.

#### **Site Characteristics, Surrounding Land Use and Zoning:**

The site is designated as Limited Industrial (LI) and zoned M1 (Limited Urban Industrial), B8 (Frozen Lot Size), F2 (Floodplain). It is located in an established industrial area at the south end of Petaluma between Highway 101 and the SMART railroad tracks.

The surrounding properties and uses are as follows:

North - Limited Industrial, M1 (Limited Urban Industrial) - Truck Stop  
South - Limited Commercial, LC (limited Commercial) - Vacant  
East - General Industrial, M2 (Heavy Industrial) - Sand and Aggregate Distribution Facilities  
West - Undefined - Petaluma Boulevard South/101 Freeway

#### **DISCUSSION OF ISSUES**

##### **Issue #1: Zoning Consistency and Conformance with Existing Use Permit**

The appellant has stated that the proposed CDI facility is similar to the approved recycling facility because all materials brought to the site are source separated, inert, and non-hazardous. Once it gets to the site, it is hand sorted and then shipped out by truck, with the majority of the materials being recycled and the remainder hauled to the landfill. The appellant further states that the use will occur entirely within a building and that the amount of materials to be processed is less than 1/3 that of the previous Use Permit approval (174 tons per day vs. 500 tons per day approved) resulting in a use that is less intensive than the previously approved recycling facility. However, without any modification to the Use Permit, the new CDI use would not be included in the Use Permit entitlements and any previously approved uses would continue to be entitled (and potentially re-established on the site at any time in the future). This could result in future enforcement or permitting issues as it will not be clear as to what is legally permitted to operate on the site.

The Zoning Code defines a "recycling facility" as a center for the collection and processing of recyclable materials (which are further defined as reusable materials intended for reuse, remanufacture or reconstruction in an altered form). State law also defines a "recycling facility" as a facility in which over 90% of the materials processed are recyclable materials that are not placed in a landfill. The resolution for the Use Permit granted on the current site was specific in its designation of the project as a light processing recycling facility which further limits the size of the facility to 45,000 square feet or less of building or enclosed space and does not permit the shredding, compaction or baling of ferrous metals other than food or beverage containers.

CDI Processing facilities are not defined in the Zoning Code but are defined in the California Code of Regulations and the Sonoma County Integrated Waste Management Plan (COIWMP) as a portion of the waste stream defined as construction and demolition wastes which consist of various materials such as lumber, drywall, glass, metal, roofing materials, carpeting, cardboard and packaging from building materials, plant materials, soils, concrete, etc., with less than 1% putrescible wastes by volume and no hazardous wastes. In general, CDI materials are brought to a facility in large 10 to 25 yard bins, emptied onto a tipping floor, broken up and sorted by workers and then the various materials are separated into bins for recycling or disposal. Typically, around 60% of the materials processed from CDI are recycled whereas over 90% of the materials brought to a recycling facility must be recycled. Based on these

definitions, a recycling facility and a CDI facility are similar (in that both involve the recycling, sorting and transfer of materials) but are separate and distinct uses because the types of trucks that deliver materials to the facility are different than the trucks that previously operated at the site (CDI is typically brought to the site with large 10 to 25 yard bins on dump style trucks), individuals and businesses can drop off materials at the processing facility (different and unknown mix of vehicles) and 90% of materials brought to a recycling facility must be recycled into new products whereas a CDI facility has no percentage requirements for recycling of materials.

Basically, under general zoning rules, if a use is not specifically listed, then it is not allowed. This also applies to Use Permits. Without this interpretation, uses would morph over time, thereby defeating the purpose and intent of land use regulations whose primary goal is to ensure compatibility and establish operating conditions. The Zoning Code contains lists of uses in each zone district that may have similar characteristics but are defined separately and thus require separate Use Permits or must be included in any Use Permit description for multiple uses. For example, wrecking and salvage yards and recycling collection and processing facilities both involve the sorting and recycling of materials yet are listed separately because the operations involve different types of equipment, may result in different noise sources, or have other distinct impacts. Also, the processing of asphalt, building materials, cement, concrete, earth, fuel, briquettes or similar products is listed as a separate use in the M1 zone and the recycling of construction and demolition materials could be classified under the processing of building materials and concrete. However, the Zoning Code does anticipate that every possible use cannot be listed, and as such, the M1 zoning district also allows with a Use Permit, "other nonresidential uses, which in the opinion of the Planning Director, are of a similar and compatible nature to those uses in the section". Therefore, the Zoning Code clearly anticipates that there are other uses that may be similar to uses listed but may have additional impacts that need further analysis and thus require a Use Permit.

With regard to conformance with the existing Use Permit, staff's review of the Proposal Statement for the original Use Permit application and the final Conditions of Approval indicated no allowance for CDI Processing operations or for the sorting of non-recyclable materials. In fact, the only remaining operation that the applicant plans to retain (and is allowed under the existing Use Permit) is the truck maintenance and office use. Residential source separated recycled materials, tire and metal recycling, the portable toilet business and the customer buy-back operations would all cease to operate. All Use Permit entitlements must include a clear project description that describes all uses allowed by that permit. Any substantial deviation from those permitted uses requires a new or revised Use Permit. As stated above, recycling centers are defined separately from CDI facilities, therefore, a new/modified Use Permit is required to add the CDI use to the project site.

In addition, the proposed CDI operations were not included in the project's previously adopted Mitigated Negative Declaration nor discussed during the public hearing process and it is unknown what additional impacts related to the proposed use would occur. Any potential environmental impacts need to be addressed and the public be given an opportunity to comment on the modified project and environmental document.

Therefore, if the applicant chooses to use the site primarily for CDI processing then PRMD has determined that under the Zoning Code, that constitutes a new use and a new/modified Use Permit application must be submitted to bring the existing Use Permit in conformance with the proposed uses and eliminate those uses no longer occurring on the site. A new environmental document must also be prepared to address environmental impacts associated with the project, including but not limited to greenhouse gas emissions, air quality, traffic, noise and other issues related to CDI Processing.

**Issue #2:** Registration Tier Permit Criteria

The appellant states that the State's Cal Recycle Registration Tier Permit Process is ministerial, does not involve State hearings, and is granted locally by Sonoma County Health Services Department (the LEA or Local Enforcement Agency). In addition, they state that the local planning agency is not mandated to respond to the Registration Permit and that the project is exempt from CEQA.

Cal Recycle does not have jurisdiction over the County's Land Use designations nor does it grant waivers from the County's land use requirements. The Registration Permit specifically requires that evidence be provided that the permit application was provided to the director of the local agency that oversees local land use planning for the jurisdiction in which the site is located (see Exhibit I). This is to ensure that all proper land use clearances have been given prior to the LEA approving the Registration Permit. In this case, PRMD has stated that a new Use Permit is required, therefore, the LEA has found the application incomplete and the Registration Permit cannot go forward until the new/modified Use Permit is obtained.

**Issue #3:** Previous Staff Determination

On April 24, 2006, Novato Disposal Services, Inc. requested that the future building housing tire and metal recycling (Building K) be converted to allow for construction and demolition recycling (C&D) uses. The portable toilet rental business and tire recycling operations had previously been discontinued on the site. PRMD responded in a letter dated May 18, 2006 that the proposed C&D recycling use would be compatible with the conditions of approval on the Use Permit if all processing occurred within the building. That decision assumed that the primary use of the property would continue to be the sorting, baling and transfer of household curbside recyclables. Since that primary use no longer occurs on this site, the shift to CDI Processing operations is a substantial change from the approved project and a new Use Permit is required.

**CONCLUSION**

In conclusion, the change in use from a light processing recycling facility to a construction and demolition sorting and recycling operation constitutes a substantial change in use, and under the zoning code and department policy, a new/modified Use Permit is required.

**STAFF RECOMMENDATION**

Deny the appeal and uphold the Administrative Determination that a proposed Construction and Demolition/Inert Debris Processing Facility (CDI) and source separated CDI Cardboard Processing operation is inconsistent with the previously approved Use Permit on the site (PLP02-0072) and that a new/modified Use Permit must be obtained.

**FINDINGS FOR RECOMMENDED ACTION**

1. Based on PRMD's review of the definitions in the Zoning Code, the California Code of Regulations and the Sonoma County Integrated Waste Management Plan (COIWMP), a recycling facility and a CDI facility are similar but separate and distinct uses. The types of trucks that deliver materials to the facility are different than the trucks that previously operated at the site (CDI is typically brought to the site with large 10 to 25 yard bins on dump style trucks) and any individual or business can drop off materials at the processing facility which could result in additional vehicles trips. In addition, 90% of materials brought to a recycling facility must be recycled into new products whereas a CDI facility has no percentage requirements for recycling of materials.
2. The Zoning Code clearly anticipates that there are other uses that may be similar to uses listed but may have additional impacts that need further analysis. Therefore, a new or modified Use Permit is required to authorize the project.
3. The current approved Use Permit for the subject property clearly describes the permitted uses which include: truck maintenance and office uses, source separated recycled materials sorting and baling, tire and metal recycling, a portable toilet business and customer buy-back operations for recycled materials. The proposed CDI facility is a substantial deviation from those listed uses and therefore requires a new/modified Use Permit. Without a modification to the Use Permit, the CDI use could be conducted in addition to those uses specifically listed in the Use Permit, potentially exceeding the intensity of the use previously analyzed.

4. The proposed CDI operations were not included in the environmental analysis for the current Use Permit (PLP02-0072). Therefore, further environmental review is required for the proposed CDI operations to assure that all potential environmental impacts are identified and evaluated as required by State CEQA Guidelines.

**LIST OF ATTACHMENTS**

|            |  |
|------------|--|
| EXHIBIT A: | Vicinity Map   |
| EXHIBIT B: | General Plan Land Use Map  |
| EXHIBIT C: | Zoning Map   |
| EXHIBIT D: | Overall and Schematic Site Plan  |
| EXHIBIT E: | PLP02-0072 Staff Report, Resolution and Conditions of Approval   |
| EXHIBIT F: | April 24, 2006 Letter from North Bay Corporation Requesting C&D operations   |
| EXHIBIT G: | May 18, 2006 Letter from PRMD Allowing C&D Operations  |
| EXHIBIT H: | PRMD Administrative Determination dated September 14, 2010   |
| EXHIBIT I: | Appeal Application and September 24, 2010 and Letter from Appellant (including attachments A and B of the Sept. 24 <sup>th</sup> Letter) |
| EXHIBIT J: | Registration Tier Permit Application dated August 20, 2010 and CalRecycle response (attachments C and D to Sept. 24, 2010 letter)        |
| EXHIBIT K: | Draft Resolution to Deny the Appeal  |

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## COUNTY OF SONOMA PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

**To:** Planning Commission  
**From:** Steve Padovan, Project Planner  
**Subject:** ADA10-0005 - Appeal of Administrative Determination Related to PLP02-0072 and a New CDI Facility for Novato Disposal Services, Inc.  
**Date:** December 16, 2010

### **Previous Action of the Planning Commission:**

On November 18, 2010, the Planning Commission took public testimony on an appeal by Novato Disposal Services, Inc. of an Administrative Determination by PRMD that a proposed Construction and Demolition/Inert Debris Processing Facility (CDI) and source separated CDI Cardboard Processing operation is inconsistent with the previously approved Use Permit (PLP02-0072) and that a new/modified Use Permit must be obtained. The Commission closed the public hearing, deliberated, and on a 4-0-1 straw vote (Commissioner Feibusch absent), granted the appeal. Staff was directed to draft a resolution and to return on December 16, 2010 for a final vote.

The Commission found that the proposed CDI Facility proposed by the appellant is similar in its operations and scope to the sorting and transfer of recyclable materials allowed by the existing Use Permit. In addition, the Commission agreed that the letter issued by PRMD staff on May 18, 2006 (granting permission to the appellant to conduct construction and demolition sorting and recycling in a future Building K) clearly allowed for a C&D type operation in Building K within the limits and conditions established by the Use Permit (PLP02-0072). Based on that letter, the appellant invested in the construction of Building K with an understanding from PRMD staff that it would be used for some future C&D operation.

In making their decision, the Commission made the following determinations:

- 1) The amount of materials to be processed on the entire property shall not exceed 174 tons/day and all CDI operations shall occur within the newly constructed Building K
- 2) The following previously approved uses that were discontinued at the site can no longer operate on the property: the portable toilet business; scrap metal (non-CDI) and tire recycling; recycling and sorting of paper (CDI Cardboard excluded), glass and plastic; storage of bins, dumpsters and trucks that are not related to the CDI operations
- 3) Any increase above the 174 tons/day shall be separately evaluated for consistency with the existing Use Permit.

December 16, 2010  
ADA10-0005  
Page 2

These determinations have been included in the attached resolution and will become the basis for the operational parameters for any CDI operation on the project site.

**List of Attachments**

Exhibit A: Draft Resolution to Grant the Appeal

# Planning Commission/Board of Zoning Adjustments Appeal Form

PJR-021

To: Board of Supervisors  
County of Sonoma, State of California  
Petaluma River Council; California Sportfishing

File # ADA 10-0005

Appeal is hereby made by: Protection Alliance; David Keller  
Please Print

Mailing Address: c/o Richard Drury, Lozeau Drury LLP, 410 12th Street,  
Suite 250, Oakland, CA 94607

The Sonoma County Planning Commission Board of Zoning Adjustments (circle one) on

December 16, 2010 approved denied (circle one) a request by

Novato Disposal Service, Inc. for Grant of Appeal of  
~~administrative determination that the proposed Construction and Demolition  
Inert Debris Processing Facility and source separated CDI Cardboard  
Processing operation is inconsistent with the previously approved Use  
Permit and a new Use Permit is required.~~  
located at 2543 Petaluma Blvd. South, Petaluma, CA

APN 019 220 038 Zoned M1, B8, F2 Supervisorial District 2

This appeal is made pursuant to Sonoma County Code Chapter 26 Section 26-92-160 for the following specific reasons:

1. A new Use Permit is required because the proposed use is inconsistent with the existing Use Permit.
2. An environmental review document is required pursuant to the California Environmental Quality Act because no CEQA exemption applies.
3. The Planning Commission engaged in unlawful ex parte communications.
4. The Planning Commission violated the Brown Act.

Date: Dec. 21, 2010 Appellant: *R. Drury*  
Signature

Appeal Fee: See current PRMD Project Review Fee Schedule

----- DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff -----

This appeal was filed with the Permit and Resource Management Department on the 21st day of December, 2010, receipt of which is hereby acknowledged.

*Melinda B. Good*  
PRMD Staff

Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue \* Santa Rosa, CA \* 95403 2829 \* (707) 565-1900 \* Fax (707) 565-1103

sue wakman S:\Handouts PJR\PJR-021 Planning Comm

EXHIBIT D

## North Bay Corporation

P.O. Box 1916  
Santa Rosa, CA 95402

Mr. Steve Padovan, Planner  
County of Sonoma PRMD  
2550 Ventura Avenue  
Santa Rosa, CA 95503

4/24/2006

Re: Novato Disposal facility (2543 Petaluma Blvd. So.)

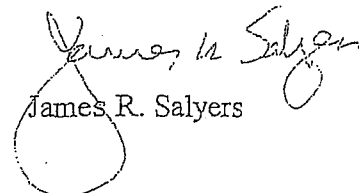
Dear Mr. Padovan:

Condition number 54 of our Use Permit (PLP02-0072), approved on February 10<sup>th</sup> 2005, allows for "...construction of a 12,600 square foot metal building for tire and metal recycling...". North Bay Corporation/Novato Disposal has ceased any type of tire recycling operations at our Petaluma Blvd. South facility.

Because we have discontinued our tire recycling operations, we plan to substitute construction and demolition (C & D) recycling for tire recycling, within the new metal building to be constructed. C & D will be brought inside the building in debris boxes. Inside the building the C & D material will be manually sorted for recyclable wood, greenwaste, metal, etc. The entire process will be conducted within the building, and the substitution of C & D recycling for tire recycling will not put us over the 500 tons per day permitted for the site. No grinding or shredding will be done.

We still plan to conduct metal recycling operations within the new building, along with the construction and demolition recycling. If you have questions or comments please me at 707-695-1751.

Sincerely,

  
James R. Salyers





**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

2550 Ventura Avenue, Santa Rosa, CA 95403-2829  
(707) 565-1900 FAX (707) 565-1103

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May 18, 2006

James Salyers  
North Bay Corporation  
P.O. Box 1916  
Santa Rosa, CA 95402

RE: Novato Recycling Facility - 2543 Petaluma Blvd, South - PLP02-0072

Mr Salyers:

I am in receipt of your letter dated April 24, 2006 stating that the tire recycling operations have been discontinued and that construction and demolition debris sorting and recycling is proposed for the building that was to house the tire recycling. Based on the fact that all operations will occur within the building and that no grinding or shredding will occur of the C&D materials, staff finds the change in use is compatible with the approved conditions of approval for PLP02-0072.

Sincerely,

Steve Padovan  
Project Planner



**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

2550 Ventura Avenue, Santa Rosa, CA 95403-2829  
(707) 565-1900 FAX (707) 565-1103

September 14, 2010

Jim Salyers  
North Bay Disposal Corporation  
3417 Standish Avenue  
Santa Rosa, CA 95403

RE: Administrative Determination on Use Permit Compliance related to a Registration Permit Application by Novato Disposal Services for a new Construction and Demolition/Inert Debris Processing Facility (CDI) along with source separated CDI Cardboard Processing at 2543 Petaluma Boulevard South, Petaluma.

Dear Mr. Salyers:

Thank you for the opportunity to review the Registration Tier Application (submitted and received on August 23, 2010) submitted by Novato Disposal Services for a new Construction and Demolition/Inert Debris Processing Facility (CDI) along with source separated CDI Cardboard Processing at 2543 Petaluma Boulevard South, Petaluma. PRMD understands that Novato Disposal seeks to replace the recycling facility that previously operated on the site with this new operation and is seeking staff's determination on the consistency of the proposed use with the previously approved Use Permit and previously adopted Mitigated Negative Declaration.

The Board of Supervisors approved PLP02-0072, a Use Permit and Design Review application to legalize and expand an existing recycling and maintenance facility at 2543 Petaluma Boulevard South, on February 8, 2005. The project is further described in the Use Permit Resolution and Conditions of Approval as follows:

*A Use Permit and Design Review Permit to legalize and expand an existing recycling facility for the sorting and transfer of recyclable materials including a customer buy-back station, equipment and maintenance facilities, ancillary storage, above ground fuel tank storage and storage for portable toilet rentals on a 5.4 acre site for North Bay/Novato Disposal. Total building area will not exceed 36,000 square feet with several new structures including a spray paint booth, metal and tire recycling building, renovated truck repair facility and canopies over the recycling areas. Total daily tonnage is not to exceed 500 tons per day.*

Staff's review of the Registration Permit Application and the Conditions of Approval found that the proposed CDI tonnage and trucking operations are substantially below

the 500 tons already permitted and the number of trucks (20) is similar to that previously analyzed by the Use Permit.

However, staff has determined that the use of the site primarily for CDI Processing operations is inconsistent with the Recycling Facility use that was approved in the Use Permit. The Zoning Code defines a Recycling Facility as a center for the collection and processing of recyclable materials (which are further defined as reusable materials which are intended for reuse, remanufacture or reconstruction in an altered form). State law also defines a recycling facility as a facility in which over 90% of the materials processed are recyclable materials that are not placed in a landfill. The Use Permit granted on the current site was specific in its designation as a recycling facility.

CDI Processing facilities, on the other hand, are not defined in the Zoning Ordinance but are defined in the California Code of Regulations and the Sonoma County Integrated Waste Management Plan (COIWMP) as a portion of the waste stream defined as construction and demolition wastes and can consist of various materials such as lumber, drywall, glass, metal, roofing materials, carpeting, cardboard and packaging from building materials, plant materials, soils, concrete, etc., with less than 1% putrescible wastes by volume and no hazardous wastes. In general, the CDI materials are brought into a building, emptied onto a tipping floor, broken up and sorted by workers and the various materials are separated into bins for recycling or disposal. Typically, around 60% of the materials processed from CDI are recycled whereas over 90% of the materials brought to a recycling facility must be recycled.

In addition, staff's review of the Proposal Statement for the original Use Permit application and the final Conditions of Approval indicated no allowance for CDI Processing operations or for the sorting of non-recyclable materials. In fact, the only remaining operation that the applicant plans to retain (and is allowed under the existing Use Permit) is the truck maintenance use. Residential source separated recycled materials, the portable toilet business and the customer buy-back operations would all cease to operate.

Furthermore, the proposed CDI use was not included in the analysis of the project during the environmental review process nor during the public hearing process and it is unknown what additional impacts related to the proposed CDI operation would occur.

Therefore, if the applicant chooses to use the site primarily for CDI processing then PRMD has determined that a new Use Permit application must be submitted to bring the existing Use Permit in conformance with the proposed uses and eliminate those uses no longer occurring on the site. A new environmental document must also be prepared to address environmental impacts associated with the project, including but not limited to greenhouse gas emissions, air quality, traffic, noise and other issues related to CDI Processing.

With regard to previous staff authorization of Construction and Demolition (C&D) recycling uses on the site, Novato Disposal Services requested in April 2006 that the future building housing the tire and metal recycling be converted to C&D recycling uses. The portable toilet rental business and tire and metal recycling operations had previously been discontinued on the site. PRMD responded in a letter dated May 18, 2006 (see attached) that the proposed C&D recycling use would be compatible with the conditions of approval on the Use Permit if all processing occurred within the building. That decision assumed that the primary use of the property would continue to be the sorting, baling and transfer of household curbside recyclables. Since that primary use no longer occurs on this site, the shift to CDI Processing operations is a substantial change from the approved project and a new Use Permit is required.

This Administrative Determination may be appealed to the Planning Commission within 10 calendar days of the date of this letter.

If you have any other questions or need clarification on any of the information contained in this letter, please feel free to contact me at [spadovan@sonoma-county.org](mailto:spadovan@sonoma-county.org) or at (707) 565-1352. Thank you.

Sincerely,



Steve Padovan  
Project Planner

attachment

c: Supervisor Kerns  
Pete Parkinson  
Jennifer Barrett  
Dean Parsons  
David Hurst  
Christine Sosko  
Leslye Choate

December 15, 2010

To: Honorable Planning Commission

Chariman Komron Shahhosseini

Fr: Ernie Carpenter

Novato Disposal Services

Re: ADA10-0005, Resolution of Approval

The Resolution prepared by staff is fine in all aspects except for the language of Section 3 (including parts a, b, and c).

The changes proposed below are requested to be made to Section 3. The language in italics is requested to be removed and the underlined language is requested to be included.

As to Section 3:

DELETE:

*3. The sorting and transfer of recyclable materials allowed by the existing Use Permit (PLP02-0072) is similar in scope and operations to the proposed CDI facility. This is based on the following:*

REPLACE WITH:

3. The proposed CDI facility under a Registration Tier CDI Permit with a limit of 174 tons/day is consistent with operations permitted under the existing Use Permit and the proposed daily tonnage is well within the amount allowed under the existing Use Permit. These conclusions are based upon the following:

a) The amount of materials to be processed on the entire property shall not exceed 174 tons/day so long as the Registration Tier CDI Permit is in place and all CDI operations shall occur within the newly constructed Building K except for CDI cardboard processing.

b) The following previously approved uses (DELETE: *that were discontinued at the site can no longer operate on the property*) (SUBSTITUTE: shall not be conducted simultaneously with the CDI operations allowed under the Registration Tier CDI Permit and may not resume so long as the Registration Tier CDI Permit is in effect): the portable toilet business; scrap metal (non-CDI) and tire recycling; recycling and sorting of paper (CDI Cardboard excluded), glass and plastic; storage of bins, dumpsters and trucks that are not related to the CDI operations. In addition, no crushing of asphalt or concrete is permitted.

c) In making its finding of consistency with the existing Use Permit, the Commission has relied (DELETE: *heavily*) on the applicants' assurances as to the 174 tons/day maximum permitted capacity of the facility under the Registration Tier CDI Permit. Any increase above the 174 tons/day shall require separate evaluation for consistency with the existing Use Permit.

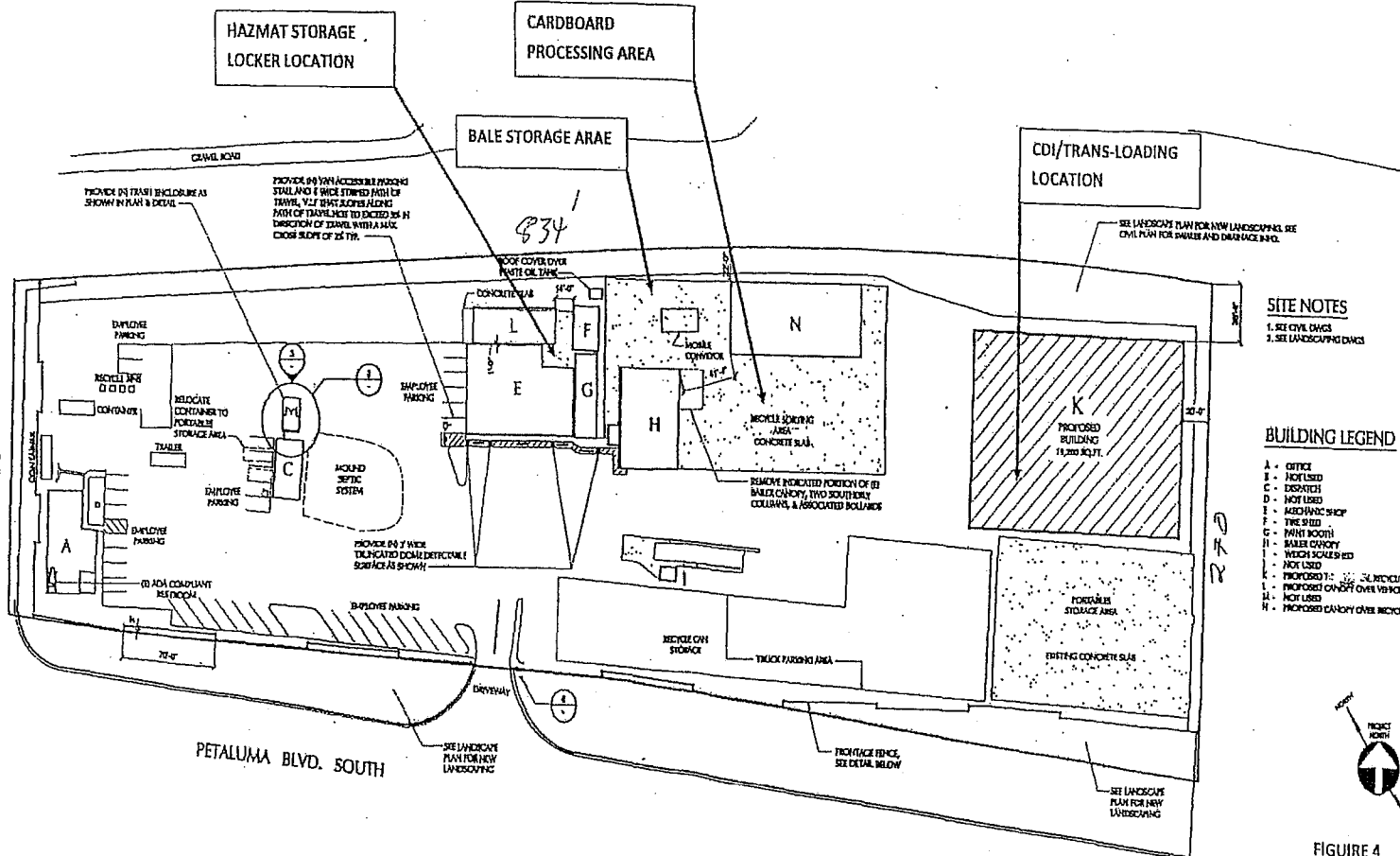
LANDING WAY  
700'

HAZMAT STORAGE  
LOCKER LOCATION

CARDBOARD  
PROCESSING AREA

BALE STORAGE AREA

CDI/TRANS-LOADING  
LOCATION



**SITE NOTES**  
1. SEE CIVIL DWGS  
2. SEE LANDSCAPING DWGS

**BUILDING LEGEND**

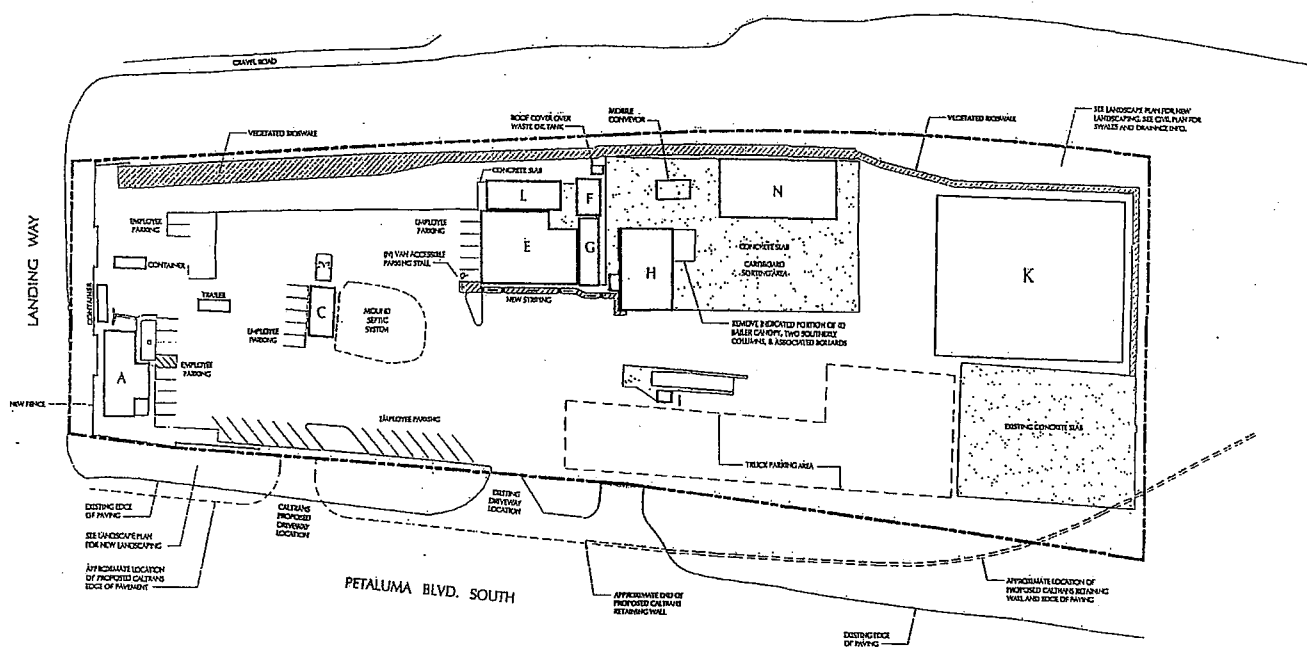
- A - OFFICE
- B - NOT USED
- C - DISPATCH
- D - NOT USED
- E - MECHANIC SHOP
- F - TRUCK SHOP
- G - PAINT ROOM
- H - BALE CONYON
- I - TRUCK SORTER
- J - NOT USED
- K - PROPOSED 11,200 SQ.FT. RECYCLING BUILDING
- L - PROPOSED CONCRETE OVER VEHICLE WASH AREA
- M - NOT USED
- N - PROPOSED CONCRETE OVER RECYCLE SORTING AREA



FIGURE 4  
OVERALL SITE PLAN

# Overall Site Plan

ADA10-0005



- BUILDING LEGEND**
- A - OFFICE
  - B - NOT USED
  - C - DISPATCH
  - D - NOT USED
  - E - MECHANIC SHOP
  - F - TIRE SHED
  - G - PAINT BOOTH
  - H - BAILER CANOPY
  - I - WEIGH SCALE SHED
  - J - NOT USED
  - K - TIRE & METAL RECYCLING BUILDING
  - L - PROPOSED CANOPY OVER VEHICLE WASH AREA
  - M - NOT USED
  - N - PROPOSED CANOPY OVER RECYCLE SORTING BUNKERS

**NOVATO DISPOSAL**  
 2543 PETALUMA BLVD. SOUTH, PETALUMA, CALIFORNIA

**SCHEMATIC SITE PLAN**

SCALE: 1" = 40'-0"



**TIERNEY/FIGUEIREDO**  
 817 RUSSELL AVE. SUITE 111, SANTA ROSA, CA 95403  
 (707) 539-1337 (707) 539-1333 FAX (707) 539-1332  
**ARCHITECTS AIA** 102810

**Schematic Site Plan**

ADA10-0005



# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

**To:** Department of Health Services - Christine Sosko  
**From:** Steve Padovan, Planner III  
**Subject:** Registration Tier Application for Novato Disposal Services at 2543 Petaluma Boulevard, South, Petaluma  
Compliance Review Related to PLP02-0072  
**Date:** April 22, 2011

Christine:

PRMD has completed its review of the proposed Registration Tier Application for a single-stream, 99 tons per day Medium Volume Transfer/Processing Facility for Novato Disposal Services at 2543 Petaluma Boulevard, South. Based on our review of the application, the uses described in the proposed application conform to the previously approved Use Permit with Design Review at this location (PLP02-0072).

On February 8, 2005, the Board of Supervisors adopted a Mitigated Negative Declaration and approved PLP02-0072 which legalized and expanded the existing recycling and maintenance facility for Novato Disposal Services, Inc. at 2543 Petaluma Boulevard South. The project, as described in the Use Permit Conditions of Approval, is as follows:

*A Use Permit and Design Review Permit to legalize and expand an existing recycling facility for the sorting and transfer of recyclable materials including a customer buy-back station, equipment and maintenance facilities, ancillary storage, above ground fuel tank storage and storage for portable toilet rentals on a 5.4 acre site for North Bay/Novato Disposal. Total building area will not exceed 36,000 square feet with several new structures including a spray paint booth, a metal and tire recycling building, a renovated truck repair facility and canopies over the recycling areas. Total daily tonnage is not to exceed 500 tons per day.*

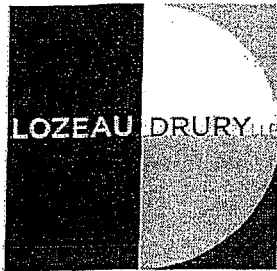
The description of the operations in the proposed Registration Tier Application conforms to the approved Use Permit in that the proposed tonnage (99 tons) is less than the permitted amount (500 tons), the facility will be handling source separated, single-stream recyclable materials, the operations will occur within an existing approved structure, all materials will be placed in transfer trucks, baled or placed in storage bins, and no solid waste or construction debris will be accepted. These materials will be transferred to other facilities for recycling or further processing, which is permitted under the existing Use Permit.



Registration Tier Application for Novato Disposal  
PRMD Review for Compliance  
April 22, 2011  
Page 2

In addition, the Board of Supervisors adopted a Mitigated Negative Declaration, including mitigation measures, on February 8, 2005 which addressed the environmental impacts associated with the approval of the recycling and transfer facility. All impacts were identified and mitigated to a less than significant level. The proposed Registration Tier Application would not result in any new or additional impacts to the environment as the proposal involves fewer tons of materials being processed on-site, a reduction in the number of uses conducted on the site, and reduced truck and vehicle trips.

If you have any further questions, please contact me by e-mail at [spadovan@sonoma-county.org](mailto:spadovan@sonoma-county.org) or by phone at (707) 565-1352.



T 510.836.4200  
F 510.836.4205

410 12th Street, Suite 250  
Oakland, Ca 94607

www.lozeaudrury.com  
richard@lozeaudrury.com

BY EMAIL and US MAIL

August 12, 2011

Chair Efren Carrillo and Honorable Members of the  
Sonoma County Board of Supervisors  
Sonoma County Administration Building  
575 Administration Drive, Room 100A  
Santa Rosa, CA 95403  
FAX (707) 565-3778

c/o: Clerk of the Board (thecountyclerk@sonoma-county.org)  
Cc: Steve Padovan (SPADOVAN@sonoma-county.org)

Re: Board of Supervisors Agenda Item 42 (Aug. 16, 2011)  
ADA10-0005  
APPLICANT: Novato Disposal Service, Inc.  
APPELLANT: Petaluma River Council, California Sportfishing Protection  
Alliance, and David Keller  
LOCATION: 2543 Petaluma Blvd. South, Petaluma (APN.: 019-220-038)  
REQUEST: Hearing to consider an appeal of Planning Commission  
Resolution No. 10-039

Dear Chair Carrillo and Honorable Members of the Board:

I am writing on behalf of the Petaluma River Council ("PRC"), the California Sportfishing Protection Alliance ("CSPA"), and David Keller (collectively, "**Council**"), to SUPPORT the recommendation of County Staff to GRANT our appeal and to rescind Planning Commission Resolution Number 10-039.

In short, we agree with County staff that:

1. Novato Disposal's use permit does not allow construction and demolition/inert debris processing (CDI), and that any CDI operation would require a new use permit.
2. CDI operations were not included in the mitigated negative declaration adopted for the Novato Disposal Facility in 2005. Therefore, any future proposal to process CDI at the facility would require a supplemental CEQA document.

Petaluma River Council and California Sportfishing Protection Alliance  
Appeal of Planning Commission Res'n No. 10-039 (Novato Disposal CDI)  
August 12, 2011

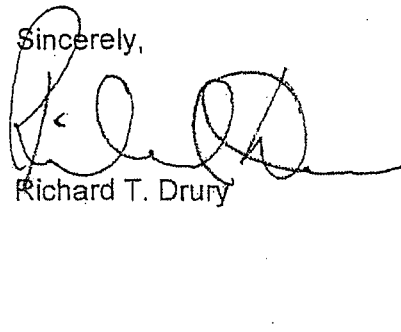
3. Although we disagree with the Staff Report concerning alleged Brown Act violations, we agree that these issues become moot if the Board upholds the Staff recommendation and rescinds Planning Commission Resolution No. 10-039.

We expect that there will be little disagreement or dispute over this matter since the Staff Report indicates that Novato Disposal Services, Inc. is supporting the request to rescind Planning Commission Resolution No. 10-039.

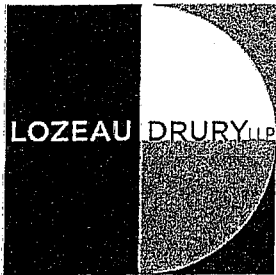
However, if the Board of Supervisors decides not to rescind Resolution 10-039, we reiterate all of our prior comments to the Planning Commission and County Staff concerning this matter and incorporate them herein by reference for the administrative record. Our December 15, 2010 comment letter to the Planning Commission is attached hereto.

County Staff has presented a reasoned conclusion, based on applicable law and substantial evidence, that Novato Disposal's proposed CDI facility requires both a new use permit and the preparation of a new environmental document under CEQA. The Council supports the recommendation of County Staff to rescind Planning Commission Resolution No. 10-039.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard T. Drury". The signature is stylized and includes a long horizontal line extending to the right.

Richard T. Drury



T 510.836.4200  
F 510.836.4205

410 12th Street, Suite 250  
Oakland, Ca 94607

www.lozeaudrury.com  
richard@lozeaudrury.com

BY EMAIL and US MAIL

December 15, 2010

Chair Komron Shahhosseini and  
Honorable Members of the Sonoma County Planning Commission  
Permit and Resource Management Department  
2550 Ventura Avenue  
Santa Rosa, CA 95403  
FAX (707) 565-1103

Christine Sosko  
Manager, Solid Waste Program  
Department of Health Services  
County of Sonoma  
475 Aviation Blvd Ste 220  
Santa Rosa, CA 95403  
csosko@sonoma-county.org

Steve Padovan (SPADOVAN@sonoma-county.org)

**Re: Request for CEQA Review Related to Novato Disposal Proposal to Operate New Construction and Demolition/Inert Debris Processing Facility (CDI) Along With Source Separated Cardboard Processing at 2543 Petaluma Blvd South, Petaluma ADA10-0005 - Appeal of Administrative Determination Related to PLP02-0072**

Dear Chair Shahhosseini, Honorable Planning Commission Members,  
and Ms. Sosko:

I am writing on behalf of the Petaluma River Council ("PRC") and the California Sportfishing Protection Alliance ("CSPA") (collectively, "**Council**") regarding the tentative decision of the Sonoma County Planning Commission to reverse the PRMD staff decision to deny the appeal by Novato Disposal of the September 14, 2010 Administrative Determination on Use Permit related to a Registration Application by Novato Disposal for a New Construction and Demolition/Inert Debris Processing Facility ("CDI") Along With Source Separated Cardboard Processing at 2543 Petaluma Blvd

South, Petaluma, and the related Registration Solid Waste Facilities Permit (SWFP) Application for the proposed Novato Disposal CDI Processing Facility ("**ND**" or "Facility") located at 2543 Petaluma Boulevard South, Petaluma, California. ("**Project**"). The Project would grant entitlements for the processing of construction and demolition debris ("**C&D**") at the ND facility at up to 174 tons per day (**TPD**), including the construction of a 19,200 square foot awning to house the processing of construction, demolition, & inert (**CDI**) debris.

PRC and CSPA include residents who live and/or work near the ND Facility and who are concerned about stormwater pollution from the Facility that is already affecting the Petaluma River, as well as air pollution, noise, dust, odor, traffic and other impacts that will result from the proposed Project. PRC and CSPA have already filed suit against Novato Disposal and other responsible parties in an attempt to stop ND's illegal stormwater pollution. PRC and CSPA are concerned that the proposed Project will exacerbate already unacceptable levels of pollution.

The Council requests that the County conduct CEQA review prior to approving the Project. The Planning Commission has taken discretionary action in reversing the recommendation of its own Planning Staff. The Planning Commission has also imposed discretionary conditions on the proposed permit for the Novato Disposal facility. This discretionary action clearly will have significant environmental impacts when compared to the CEQA "baseline" of the existing facility that does not include C&D recycling. CEQA review is therefore required.

If the County fails to conduct CEQA review, then the local enforcement agency ("**LEA**") of CalRecycle, the Sonoma County Department of Health Services, must conduct CEQA review as a responsible agency. The LEA is proposing to take discretionary action to grant a permit to ND that will allow C&D recycling. This action will have significant adverse environmental impacts that must be reviewed under CEQA.

Our experts have reviewed the Project and have determined that there is a "fair argument" that the Project may have significant adverse environmental impacts including but not limited to odors, air quality and greenhouse gas emissions, biological resources, land use, noise and transportation. An environmental impact report ("**EIR**") should therefore be prepared under the California Environmental Quality Act ("**CEQA**," Public Resources Code section 21000, et seq.) to fully analyze these impacts and propose feasible measures and alternatives to mitigate these impacts.

ND contends that the LEA and County should rely on an outdated mitigated negative declaration ("**MND**") prepared for an entirely different project in 2005 (PLP02-0072 (Feb. 8, 2005). Reliance on the 2005 MND is inappropriate and violates CEQA because the new Project is entirely different from the Project analyzed in the MND. There are significant new impacts from this Project, as well as significant new

information not available in 2006. The failure to prepare additional CEQA analysis, including adoption of mitigation measures, violates CEQA.

Furthermore, the Project is a case of unlawful piecemealing. The record shows that North Bay Corp., the owner of Novato Disposal, has applied for and intends to jointly operate and combine a material recovery facility ("MRF") at two facilities at 3400 and 3417 Standish Avenue sites in Santa Rosa, California. North Bay Corp. seeks a solid waste facility permit ("SWFP") at the 2543 Petaluma Boulevard South site in Petaluma, California and has confirmed that "the majority of the commingled recyclables received will be loaded into transfer trucks and delivered" from the Petaluma Blvd. site to the two Standish Avenue facilities. According to its own application materials, the three facilities will be operating as a single "Project" within the meaning of CEQA. Yet, instead of properly performing CEQA review of the entire project, the ND proposes to improperly proceed with this small portion of the project alone. The law requires that the LEA and Sonoma County Permit and Resource Management Department ("PRMD") prepare an EIR now for the entire project at all three sites, before allowing a portion of the larger project to proceed.

We incorporate by this reference all exhibits hereto, our letters and oral comments submitted for the November 18, 2010 Planning Commission hearing, as well as the expert comments of Dr. Petra Pless, D. Env., and Evan Edgar, Principal Civil Engineer of Total Compliance Management, submitted with our November 18, 2010 comment letter, our comment letter to PRMD and the LEA dated August 18, 2010, and all other comments, memos, notes and correspondence concerning this matter. (PRC's August 18, 2010 comment letter is attached hereto as Exhibit A [exhibits to the August 18, 2010 letter were previously submitted to the Commission as Exhibit DD to our November 18, 2010 comment letter]; Dr. Pless comments are attached hereto as Exhibit B; Dr. Edgar comments are attached hereto as Exhibit C) We request that all of these documents be included in the administrative record for this matter and be provided to the Planning Commission for review.

## **I. PROCEDURAL BACKGROUND**

### **A. The November 18, 2010 PRMD Staff Report Determines that A New Use Permit and CEQA Review Are Required for The Novato Disposal CDI Facility.**

As discussed in the Staff Report for the Planning Commission's hearing on November 18, 2010, the permit issued for the Novato Disposal facility on February 8, 2005 was for an entirely different facility than is now proposed to be operated by ND. The 2005 Use Permit allowed only a "Light Processing Recycling Facility," to recycle metal and tires. The MND prepared for the project analyzed only metal and tire recycling and did not analyze or even mention C&D recycling. ND's proposal to now operate a C&D facility requires a new use permit and new CEQA review. PRC agrees

with the Staff Report issued for the November 18, 2010 meeting, and there is no legal or factual basis for the complete about-face taken by the PRMD staff. PRMD staff explained the situation clearly and accurately in its Staff Report for the November 18 Planning Commission hearing:

On September 12, 2002, the applicant, Novato Disposal Services, Inc., submitted an application to expand its existing truck yard/repair facility to include refuse collection and recycling facilities serving primarily residential curbside collection trucks. On February 8, 2005, the Board of Supervisors approved PLP02-0072 for a Use Permit and Design Review application to legalize and expand the existing recycling and maintenance facility for Novato Disposal Services, Inc. at 2543 Petaluma Boulevard South.

The project is described in the Use Permit Resolution as a "light processing recycling facility with maintenance and repair facilities and a portable toilet storage business" and in the Conditions of Approval as follows: "A Use Permit and Design Review Permit to legalize and expand an existing recycling facility for the sorting and transfer of recyclable materials including a customer buy-back station, equipment and maintenance facilities, ancillary storage, above ground fuel tank storage and storage for portable toilet rentals on a 5.4 acre site for North Bay/Novato Disposal. Total building area will not exceed 36,000 square feet with several new structures including a spray paint booth, metal and tire recycling building, renovated truck repair facility and canopies over the recycling areas. Total daily tonnage is not to exceed 500 tons per day.

On April 24, 2006, the applicant/owner requested in writing [] that the future building housing the tire and metal recycling be converted to construction and demolition (C&D) recycling uses (the portable toilet rental business and tire recycling operations had previously been discontinued on the site). PRMD responded in a letter dated May 18, 2006 []that the proposed C&D recycling use would be compatible with the conditions of approval on the Use Permit if all C&D processing occurred within the building. The metal building was constructed in 2010.

On August 23, 2010, Novato Disposal Services submitted a Registration Tier Permit Application []to the County of Sonoma Department of Health Services for a new Construction and Demolition/Inert Debris (CDI) Processing Facility along with source separated CDI Cardboard Processing operation at 2543 Petaluma Boulevard South. The Health Services Department staff requested that the Permit and Resource Management Department (PRMD) review the Registration Tier Permit and determine if the proposed use would be consistent with the previously approved Use Permit and previously adopted Mitigated Negative Declaration. (Note: C&D is not a use type defined in the Zoning Code but is defined in the Sonoma County Integrated Waste Management Plan as solid

wastes resulting from construction, remodeling, and repair and demolition operations. CDI is the term currently used to describe these same types of materials, therefore, the two terms are interchangeable.)

PRMD's review of the Registration Permit and the Use Permit's Conditions of Approval found that the proposed CDI tonnage and trucking operations would be inconsistent with the Recycling Facility use that was previously approved. An Administrative Determination [ ] was mailed to the owner on September 14, 2010. That determination was subsequently appealed by Novato Disposal Services on September 16, 2010, which is the subject of this hearing.

**Project Description:**

The appellant is proposing to establish a non-hazardous Construction and Demolition/Inert Debris Processing Facility (CDI) with a maximum capacity of 150 tons/day and a source separated CDI Cardboard Processing operation with a maximum capacity of 24 tons/day at their existing facility located at 2543 Petaluma Boulevard South, Petaluma. The property is approximately 5.4 acres in area and contains offices, truck maintenance and repair shops, a sorting and baling area, employee and truck parking for their curbside pick-up operations and a recently constructed 19,200 square foot metal building (Building K on the site plan). Building K will be utilized for the Construction and Demolition/Inert Debris Processing Facility (CDI) and CDI cardboard processing along with the storage bins containing separated CDI materials will occur in the previous recycling and baling area (Buildings H and N). Only trucks and collection bins related to the CDI collection services will be stored on the property. No household curbside collection operations or other non-CDI operations will occur at the project site.

(Staff Report - ADA10-0005, pp. 2-3 (November 18, 2010))

The Nov. 18 Staff Report also pointed out that the metal recycling facility was required to recycle at least 90% of its incoming materials, while the CDI facility would at best recycle only 60%. For all of these reasons, PRMD staff determined that a new Use Permit would be required for the CDI facility and new CEQA review would also be required.

**B. The Planning Commission Engaged in Ex Parte Communications with Novato Disposal and Then Voted to Reverse PRMD's Staff Decision, Holding that No New Use Permit is Required and No CEQA Review is Required.**

Despite the clear recommendation of PRMD Staff on November 18, 2010, the Planning Commission voted 4-0-1 to reverse the decision of its own staff, and to grant the Novato Disposal appeal. Each of the four sitting members of the Planning



Commission admitted that they had personally had ex parte communications with representatives of Novato Disposal to discuss the appeal, and most admitted that Novato Disposal had taken them on a site visit of the proposed CDI facility – all without notice to the public or opportunity for comment. Despite a motion for recusal due to the improper ex parte communications made during the hearing and prior to the Commission's vote on the Project, the Planning Commission nonetheless went forward with the hearing and voted unanimously to reverse its staff's decision. The Planning Commission also decided to limit the CDI operation to 174 tons per day ("TPD"). Because the staff recommendation had been for the Commission to take the opposite action, the staff requested an additional month to prepare a resolution for Planning Commission consideration at the meeting on December 16, 2010.

Ex parte communications between interested parties and officers presiding over a contested quasi-adjudicatory decision are prohibited while that decision is pending before the governing body. Under Govt Code sections 11430.10-11430.80, presiding officers are prohibited from communicating with interested persons outside the agency, without notice and opportunity for all parties to participate in the communication, while the decision is pending. (Cal. Govt. Code § 11430.10(a)) A proceeding is "pending" from "the issuance of the agency's pleading, or from an application for an agency decision, whichever is earlier." (*Id.* at § 11430.10(c)) "Receipt by the presiding officer of a communication in violation of this article may be grounds for disqualification of the presiding officer." (Cal. Govt. Code § 11430.60)

Sonoma County's own Counsel has also issued a formal legal opinion concluding that ex parte communications between members of the Board of Supervisors or Planning Commission and interested parties are inappropriate where a quasi-adjudicatory land use decision is pending. (See Memorandum of County Counsel Re: "Ex parte communications," June 25, 2009 attached hereto as Exhibit D) According to County Counsel, "[c]onsideration of a use permit application is a classically quasiadjudicatory decision." (*Id.* at p. 1)

In this case, Novato Disposal filed its Registration Solid Waste Facilities Permit ("SWFP") Application for the proposed Novato Disposal CDI Processing Facility located at 2543 Petaluma Boulevard South, Petaluma, California ("Project") on July 9, 2010, requesting a Use Permit modification to permit the construction and operation of the CDI facility at its 2543 Petaluma Blvd. location. It filed the instant appeal of PRMD's Administrative Determination, which appeal is to be adjudicated by the Planning Commission, on September 14, 2010. This appeal is clearly a quasi-adjudicatory land use decision within the meaning of both County Counsel's memo and the Government Code.

Under Government Code section 11430.10(c), as of July 9, 2010, the determination of Novato Disposal's SWFP Application has been "pending" before the County, and, as of September 14, 2010, Novato Disposal's appeal has been "pending"

directly before the Planning Commission. Therefore, any ex parte communications between Planning Commissioners and Novato Disposal since July 9, 2010 at the earliest, and September 14, 2010 at the latest, have been in direct violation of the Government Code.

At the November 18 hearing, all four voting Commission members admitted that they had had recent ex parte communications with Novato Disposal, during the pendency of the instant appeal, and had even visited the facility and were given a guided tour by ND employees or agents. No other members of the public were included in this site visit. Despite these admissions, and an oral motion by PRC's counsel for the Commissioners to recuse themselves from the vote, the Commissioners elected to proceed, voting unanimously to reverse PRMD's recommendation. The public is left not knowing what influence ND may have had on the Commissioners' vote, and without opportunity to contest or otherwise be heard on any issues discussed privately between the Commissioners and Novato Disposal. This raises substantial fairness concerns, since both sides were not heard on these ex parte matters, and clearly one side has had greater influence because it was permitted to present its argument without being challenged by the public or other opponents of the ND Project. This is precisely the type of procedural unfairness that ex parte communications laws and the Sonoma County Counsel advisory opinion were designed to prevent.

An impartial, unbiased adjudicator is an essential element of procedural due process. (U.S. Const., amend. XIV, § 1; Cal. Const., art. I, § 7; *Marshall v. Jerrico, Inc.* (1980) 446 U.S. 238, 242; *Morrissey v. Brewer* (1972) 408 U.S. 471, 489; *Goldberg v. Kelly* (1970) 397 U.S. 254, 271) This requirement applies equally to quasi-judicial administrative hearings as to traditional judicial proceedings. (*Nasha v. City of Los Angeles* (2004) 125 Cal. App. 4th 470; *Haas v. County of San Bernardino* (2002) 27 Cal. 4th 1017, 1025) Fair trial issues arise when an agency, Board member or hearing officer receives evidence or communications outside of the hearing. (*English v. Long Beach* (1950) 35 Cal. 2d 155 (fair hearing denied where board members talked to patrolman's physicians and considered information received in arriving at decision on dismissal for failure to pass physical exam); *Clark v. City of Hermosa Beach* (1996) 48 Cal. App. 4th 1152 (fair hearing denied where city council member had conflict of interest, the plaintiffs were not afforded notice or opportunity to be heard on two issues, and defendants exhibited bias).)

Ex parte communications between a party and an administrative hearing officer are improper, and a party's right to a fair hearing is clearly violated if the hearing officer bases a decision on information received ex parte, at a time and place other than that appointed for hearing. (Cal. Govt. Code § 11430.10(a) ("While the proceeding is pending there shall be no communication, direct or indirect, regarding any issue in the proceeding, to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and opportunity for all parties to participate in the communication"); *Dep't of Alcoholic*

*Beverage Control v. Alcoholic Beverage Control Appeals Bd.* (2006) 40 Cal. 4th 1)  
Even city councilmen acting in quasi-judicial capacity, although in some ways subject to less stringent standards than judges, may be disqualified where their votes are influenced by information and considerations outside the record. (*Todd v. Visalia* (1967) 254 Cal. App. 2d 679, 691)

County Counsel opines that "such communications are disfavored, and should be avoided." (Exh. C, County Counsel Memo, at p. 1) In a quasi-adjudicatory setting,

Procedural due process requirements apply when a government action is adjudicative in nature, and would substantially affect a significant property interest, such as a party's ability to use their land. Among other things, due process requires that applicants, immediate neighbors, and others with a protected interest have notice and a fair opportunity to be heard before their interest may be affected. This notice is intended to afford all parties an opportunity to hear and be heard before final action. (*Id.*)

The Planning Commissioners who admitted at the November 18 hearing to having had *ex parte* communications with Novato Disposal must be disqualified from taking any further action on the Project, and the ND Planning Commission hearing must be reopened. Gov. Code § § 11430.50, 11430.60. Further, as the *ex parte* communications appear to have been oral communications, pursuant to Government Code § 11430.50, the Commissioners must, in addition to notifying the public at the hearing that such communications have taken place, prepare "a memorandum stating the substance of the communication, any response made by the presiding officer, and the identity of each person from whom the presiding officer received the communication." *Id.* at (a)(2).

**C. The PRMD Staff Report for The December 16, 2010 Planning Commission Hearing Recommends No New Use Permit, and A CEQA Exemption.**

The Staff Report prepared for the December 16, 2010 Planning Commission meeting takes exactly the opposite position. The Dec. 16 Staff Report now concludes that the CDI recycling facility is allowed under the 2005 Use Permit, that no new Use Permit is required, and that the permitted action is exempt from CEQA as an "enforcement action by regulatory agency." Proposed Resolution No. 10-ADA 10-0005 of the December 16 Staff Report states:

3. The sorting and transfer of recyclable materials allowed by the existing Use Permit (PLP02-0072) is similar in scope and operations to the proposed CDI facility. This is based on the following:

- a) The amount of materials to be processed on the entire property shall not exceed 174 tons/day and all CDI operations shall occur within the newly constructed Building K.
  - b) The following previously approved uses that were discontinued at the site can no longer operate on the property: the portable toilet business; scrap metal (non-CDI) and tire recycling; recycling and sorting of paper (CDI Cardboard excluded), glass and plastic; storage of bins, dumpsters and trucks that are not related to the CDI operations. In addition, no crushing of asphalt or concrete is permitted.
  - c) In making its finding of consistency with the existing Use Permit, the Commission has relied heavily on the applicant's assurances as to the 174 tons/day maximum capacity of the facility. Any increase above the 174 tons/day shall require separate evaluation for consistency with the existing Use Permit.
4. The Commission's action is categorically exempt from the provisions of the California Environmental Quality Act pursuant to the Provisions of Title 14 of the California Administrative Code, Categorical Exemption; Section 15321, "Enforcement Actions by Regulatory Agencies." Furthermore, the proposed CDI operations are not anticipated to result in additional environmental impacts that were not previously addressed in the analysis of the original project.

(See December 16, 2010 Staff Report, proposed Resolution No. 10, at p. 2) The December 16 Staff Report, which draws the opposite conclusions from the November 18 Staff Report, is legally erroneous, as will be established below.

## **II. A NEW USE PERMIT IS REQUIRED FOR THE CDI FACILITY.**

For all of the reasons set forth in the PRMD Staff Report for the November 18, 2010 Planning Commission meeting, a new Use Permit is required for the Novato Disposal CDI facility. The proposed CDI use is entirely different in nature than the metal recycling facility permitted in the operative 2005 Use Permit. The facilities have entirely different impacts, and will require entirely different permit conditions.

The 2005 use permit for the Novato Disposal facility provides that:

The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The Applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. The director of PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit.

Changes to conditions that may be authorized by the Director of PRMD are limited to those items that were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from the Director, and shall not affect the original permit approval date or the term for expiration of the permit.

Despite this, no permit modification has been issued by the Director of PRMD as required by the permit. Furthermore, the proposed C&D recycling facility is not a "minor adjustment," but is instead a completely different project requiring an entirely new permit. Finally, Novato Disposal has not made any of the factual showings required for a permit modification, namely that: (1) there have been "unforeseen field constraints," (2) "that the goals of these conditions can be safely achieved in some other manner," (3) that the "condition(s) is infeasible due to specific constraints (e.g. lack of property rights)", and (4) "a proposed alternative measure or option to meet the goal or purpose of the condition." Therefore, the County may not approve the proposed Project without a new Use Permit.

### III. THE PROJECT IS NOT EXEMPT FROM CEQA.

In the Dec. 16, 2010 Staff Report, staff concludes that the Novato Disposal CDI facility is entirely exempt from CEQA as an "Enforcement Actions by Regulatory Agencies." The Staff Report also states that "the proposed CDI operations are not anticipated to result in additional environmental impacts that were not previously addressed in the analysis of the original project." Both conclusions are clearly erroneous as a matter of law.

There can be no serious question that the Planning Commission has taken a discretionary action with potentially significant environmental impacts. Under CEQA, a "project" includes "an essential step leading to ultimate environmental impact." (*Kaufman & Broad-South Bay, Inc. v. Morgan Hill* (1992) 9 Cal.App.4th 464, 473) Here, the Planning Commission was not compelled to reverse the decision of its professional staff. Thus, this decision was clearly "discretionary." Also, the Planning Commission decided to attach discretionary conditions to its action. In particular, the Commission decided to:

- a) Limit the amount of materials to be processed on the entire property to 174 tons/day;
- b) Restrict CDI operations to the newly constructed Building K;
- c) Discontinue permission to operate the following previously approved uses on the property: the portable toilet business; scrap metal (non-CDI) and tire recycling; recycling and sorting of paper (CDI Cardboard excluded), glass and plastic; storage of bins, dumpsters and trucks that are not related to the CDI operations;

- d) Prohibit crushing of asphalt or concrete;

By attaching discretionary conditions to its approval action, there can be no question that the Planning Commission took a discretionary action. When, as here, an agency attaches discretionary conditions to its action that may impact the environment, CEQA review is required. (*Salmon Protection & Watershed Network v. County of Marin*, 125 Cal. App. 4th 1098 (2004)) The County therefore is in violation of CEQA by failing to prepare a CEQA document after attaching conditions to its approval for the Project.

#### A. Legal Standard for Exemptions.

CEQA identifies certain classes of projects which are exempt from the provisions of CEQA. These are called categorical exemptions. (14 CCR §§ 15300, 15354) "Exemptions to CEQA are narrowly construed and '[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.'" (*Tomlinson v. County of Alameda* (2010) 185 Cal.App.4th 1029, 1046) Public agencies utilizing such exemptions must support their determination with substantial evidence. (PRC § 21168.5)

Even if an exemption applies on its face, there are several exceptions to the categorical exemptions. (14 CCR § 15300.2) When there is a "fair argument" that an exception exists, the categorical exemption may not be used to exempt a project from CEQA. (*Azusa Land Recl. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1202) At least exceptions are relevant here:

- (1) The exemption was improper pursuant to CEQA §21084 because the project is located on property contaminated with hazardous waste. Under CEQA §21084(c), no project shall be exempted from CEQA if it is located on a site which is included on any list compiled pursuant to Government Code §65962.5 – commonly known as the "Cortese List." The Novato Disposal site is located on the Cortese List, as discussed below, due to a leaky underground storage tank ("LUST"). The exemption is therefore invalid as a matter of law.
- (2) Significant Effects. A project may never be exempted from CEQA if there is a "fair argument" that the project may have significant environmental impacts due to "unusual circumstances." 14 CCR §15300.2(c). The Supreme Court has held that since the agency may only exempt activities that do not have a significant effect on the environment, a fair argument that a project will have significant effects precludes an exemption. *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 204. Here, Dr. Petra Pless and Professional Engineer Evan Edgar establish that the Novato Disposal CDI facility will have significant environmental impacts. It therefore may not be exempted from CEQA.

- (3) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. Here, the Novato Disposal CDI facility is the first step in a much larger MRF project proposed by North Bay Corporation, which will have a much larger cumulative impact.

#### **B. There Is A Lack of Substantial Evidence To Support An Exemption.**

An agency claiming an exemption bears the burden to produce substantial evidence to support its conclusion that the exemption applies. (*Muzzy Ranch*, 41 Cal.4th at 386; *Davidon Homes*, 54 Cal.App.4th at 114) It is the agency's burden to elucidate the facts that justified its invocation of CEQA's exemption. An agency's duty to provide such factual support "is all the more important where the record shows, as it does here, that opponents of the project have raised arguments regarding possible significant environmental impacts." (*Id.*; *Davidon Homes*, 54 Cal.App.4th at 117) "At a minimum, the administrative record must disclose substantial evidence of every element of the contended exemption . . ." (*Western Mun. Water Dist. v. Superior Court*, 187 Cal.App.3d 1104, 1113 (1986) (exemption improper))

Here, PRMD provides only one conclusory statement that the Novato Disposal Project is exempt under the Categorical Exemption; Section 15321, "Enforcement Actions by Regulatory Agencies, and that "the proposed CDI operations are not anticipated to result in additional environmental impacts that were not previously addressed in the analysis of the original project."

PRMD provides absolutely no substantial evidence to support these conclusions. Indeed, the only substantial evidence is the ample evidence provided in the PRMD Staff Report for the November 18, 2010 Planning Commission meeting which proved exactly the opposite – namely that the Novato Disposal CDI facility would have numerous environmental impacts not analyzed in the 2005 Mitigated Negative Declaration and that a new CEQA document would therefore be required. Having drawn that conclusion in a prior document, PRMD cannot not "unring the bell." (*Stanislaus Audobon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 154)

#### **C. The Planning Commission Action is Not an "Enforcement Action."**

The decision to allow Novato Disposal to operate a CDI facility without a new Use Permit and without CEQA review cannot reasonably be construed to be an "enforcement action." PRMD provides no substantial evidence to support this conclusion because there is none. Not only is this conclusion unsupported by evidence, it is simply nonsensical.

The Class 21, Categorical Exemption applies "the enforcement of a law administered or adopted by the regulatory agency." (*Apt. Ass'n of Greater L.A. v. City of*

L.A., 90 Cal. App. 4th 1162, 1168 (2001)) In this case, the County is not enforcing any law. In fact, the County is doing exactly the **opposite** – it is deciding **not** to enforce the law by **not** requiring a new Use Permit. There is no reasonable construction of this exemption that would allow its application here.

**D. The CDI Project Will Have Numerous New Impacts Not Analyzed in the 2005 Mitigated Negative Declaration.**

As discussed by PRMD's own Staff in the November 18 Staff Report, the Novato Disposal CDI project will have numerous impacts not analyzed in the 2005 Mitigated Negative Declaration ("MND"). The County provides no substantial evidence to support its new conclusion to the contrary. As above, the only substantial evidence in the record is PRMD's own November 18 Staff Report supporting that conclusion that the new project would have new and different impacts than the project analyzed in the 2005 MND.

In addition, Dr. Petra Pless and Professional Engineer Evan Edgar of Total Compliance Management ("TCM") have provided substantial evidence that the CDI facility would have very different and more severe environmental impacts than those analyzed in the 2005 MND. As TCM states,

The CDI facility described in the SWFP application package is substantially different and potentially more impactful than the "Light Processing Recycling Facility" that was evaluated under CEQA requirements and permit conditions approved by the Sonoma County Board of Supervisors in PLP02-0072 for the site. In fact, mixed CDI materials are not generally considered "source separated", are among the heaviest and most difficult to process solid waste materials recovered and certainly contain more potential impacts than the aluminum, plastic, glass, and paper waste identified in the PLP02-0072 project description. (Exhibit C at pp. 1-2)

The proposed facility presents potential environmental impacts that were not fully evaluated during the CEQA process:

- Fire – Construction and demolition materials (particularly when commingled with green waste) represent a significant fire risk. Due [to] the inherently increased fire risk, a fire plan is required to be submitted with the application package; in this project is absent and the project description contains little information regarding the operator's plans to prevent or manage a fire.
- Dust – Impacts from dust are inherent with the CDI materials unless proper mitigations are taken. This operator has failed to provide details regarding dust control measures or mitigation measures at the proposed facility; no misting system or handheld hoses are proposed within the processing



building, no dust masks or respirators for employees are planned. No air handling equipment that would keep dust within the building is mentioned.

- Odors – The operator is planning to handle green waste (storing it up to 90 days after processing). Green waste can generate odors if not properly managed beginning with its receipt at the facility. The potentially significant odors from green waste are well-documented but were not assessed during the original CEQA process. Under the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the project may have significant odor impacts on nearby residences since there are residences within less than one mile of the facility. An odor impact analysis is therefore required in a new CEQA document. (Exhibit C at p. 2)

As Dr. Pless explains:

[T]he operation of the facility under the proposed Use Permit is substantially different from the operation that was analyzed in the 2005 MND and is permitted under the current Use Permit (PLP02-0072). The 2010 Application fails to recognize that this change in operations constitutes a “project” under CEQA that requires environmental review. (Exhibit B at p. 6)

The proposed operation would process up to 150 tpd of CDI. Compared to the prior materials processed at the facility, unloading, processing, and off-site delivery of CDI may result in considerably increased emissions of fugitive dust due to the varied and unpredictable composition of CDI. (*Id.* at p.10)

CDI is a very heterogeneous waste stream and can contain a large number of different materials, including:

- Lumber and wood, dimensional lumber & shapes, wood shavings, wood dust, plywood, particleboard, oriented strandboard, wood products, painted wood (including lead paint), pressure-treated wood, wood composites, pallets/spools/reels, pressboard/chipboard, range of composite materials;
- Gypsum wallboard (mainly gypsum with paper backing);
- Roofing material (including roofing felt, asphalt or fiberglass roofing shingles, and foam roofs);
- Siding material including wood and plastic, windows, doors;
- Carpeting and floor coverings, carpet padding, window coverings, ceiling tiles, asbestos tiles;
- Heating, ventilating, and air conditioning systems and their components, electrical equipment, electrical fixtures (metal, light

- tubes/bulbs, ballasts, fluorescent lights), electrical wiring, electrical switches, rubber hosing/conduits, plumbing systems, plastic pipe;
- Appliances, equipment, furnishings, and fixtures;
- Tools and building materials, corrugated shipping containers, cardboard and other packaging materials, plastic sheet film, shrink wrapping, discarded paint brushes, plastic buckets/containers with residues, tires (some with wheels);
- Concrete (including fiberglass, wire mesh or steel reinforcing bar embedded in the concrete), fully cured asphalt, brick, cinder block masonite/slate, slag, plaster, ceramics, porcelain, including bathroom fixtures, clay and clay products;
- Metal work, metal-ferrous, metal-nonferrous, glass, fiberglass, insulation (fiberglass, mineral wool, treated cellulose, insulation-sheathing);
- Plant materials, high organic based fractions; and
- Dirt/earth, primary inert fractions, treated industrial wastes and de-watered bentonite-based drilling mud.

Many of these materials when dumped from the CDI roll-off trucks onto the CDI processing floor area will generate considerable amounts of fugitive dust particulate matter that would rise up in clouds.... The fugitive dust generated during CDI processing may blow off site and drift into close neighborhoods and parks, impairing air quality and constituting a nuisance. (Exhibit B at pp. 10-11)

The 2005 MND failed to analyze any of these impacts. The agency may therefore not rely on the 2005 MND and must prepare a new CEQA document for this new Project.

Pursuant to Public Resources Code § 21166 and 14 Cal. Code Regs. § 15162<sup>1</sup>, if changes in the new Project or new information show any new significant environmental effects or increase the severity of environmental effects identified in prior CEQA document, the agency **must** prepare an additional CEQA document such as a supplemental EIR ("SEIR"). "An EIR is required for a site specific project within the

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<sup>1</sup> CEQA Guidelines section 15162 provides in part: "(a) When . . . a negative declaration [has been] adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: (1) Substantial changes are proposed in the project which will require major revisions of the previous . . . negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects . . . (b) If changes to a project . . . occur . . . after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation."

larger program if the project *may* cause significant effects.” (*American Canyon Community v. City of American Canyon*, 145 Cal.App.4th 1062, 1073 (2006) (emphasis original)) This rule applies equally to project changes following an agency’s adoption of a negative declaration or a mitigated negative declaration. (*Benton v. Board of Supervisors*, 226 Cal.App.3d 1467, 1477-1481 (1991))

#### **E. Exceptions to the Exemption Apply.**

Even if the claimed CEQA exemptions applied on their terms, which they do not, exceptions exist in this case which preclude reliance on any CEQA exemptions.

##### **1. The Exemption is Improper Pursuant to CEQA §21084 Because the Property is on the Cortese List of Contaminated Sites.**

Under CEQA §21084(c), provides that “No project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code shall be exempted from this division pursuant to subdivision (a).” The list compiled pursuant to Government Code §65962.5 is commonly called the “Cortese List.”

A simple review of the Cortese List, which is maintained on line by the California Environmental Protection Agency, reveals that the Novato Disposal site is on the Cortese List. (See <http://www.calepa.ca.gov/SiteCleanup/CorteseList/>) The Geotracker portion of the website clearly shows that the address listed as 2543 Petaluma Blvd South, Petaluma, CA contains a Leaking Underground Storage Tank (“LUST”) clean-up site. The same webpage shows several other LUST sites immediately adjacent to the Novato Disposal property.

(<https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=2543+PETALUMA+BOULEVARD+SOUTH%2C+PETALUMA>) (A copy of the webpage is attached hereto as Exhibit E)

Since the Novato Disposal site is on the Cortese List, it may not be exempted from CEQA review. (See *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal App 4th 1165)

The County and Novato Disposal may contend that although the Novato Disposal site is clearly listed on the Cortese List, the LUST is noted to be “completed – case closed.” However, the plain language of the statute states that if the site is listed on the Cortese List, then it may not be exempted from CEQA review. The statute does not create an exception for properties that are listed on the Cortese List but are listed as “closed.” The legislature could have drafted such an exception to the exception but did not. It is certainly reasonable that the legislature intended that any facility on the Cortese List not be exempted from CEQA since even if the site is “closed,” it is possible that residual contamination remains that may be an issue for future projects, and that

this should be reviewed in some form of CEQA document -- whether a negative declaration or EIR.

The plain language of the statute controls. Since Novato Disposal is on the Cortese List, it may not be exempted from CEQA review.

**2. The Exemption is Improper Because There is a Fair Argument that the Project Will Have Significant Adverse Environmental Impacts Due to Unusual Circumstances.**

There is a "fair argument" that the new changes in the Project may have significant adverse environmental impacts. Therefore, an EIR must be prepared to analyze and propose mitigation for those impacts. (*CBE v. SCAQMD*, 48 Cal. 4th at 319; *Mejia*, 130 Cal.App.4th at 322; *Pocket Protectors*, 124 Cal.App.4th at 903)

**a. There is a Fair Argument of Generation of Nuisance Odors.**

The BAAQMD CEQA Guidelines lists categories of projects that may have significant odor impacts if located within one mile of residences. The list includes, "Green Waste and Recycling Operations." (BAAQMD CEQA Guidelines, Table 3-3, page 3-4) There are several residences within one mile of the Novato Disposal property. Therefore, the facility may have significant adverse odor impacts that must be analyzed in an EIR, and mitigation measures imposed.

TCM explains that the Project may have significant odor impacts in excess of the Bay Area Air Quality Management Districts' ("BAAQMD") CEQA Guidelines. TCM states:

The potential odor impacts of the project have not been fully assessed or mitigated. Green waste materials -- which the operator indicates will be collected with the CDI material and are planned to be stored onsite for up to 90 days -- are commonly the source of significant odors, depending upon seasonal variation, collection frequency, and material handling procedures. The MND is absent on any discussion of potential green waste operations occurring with this project. In the Air Quality section of the Environmental Checklist, the discussion in Item 3e plainly states that "the materials brought to the site for sorting and compacting do not involve a significant amount of food, animal or plant waste, which would be the main contributor in the generation of objectionable odors." Clearly, the potential impacts of the receipt of green waste at the facility were not analyzed, as they were not anticipated, in the MND. Under the BAAQMD CEQA Guidelines, the project may have significant odor impacts on nearby residences since there are residences within less than one mile of the facility. An odor impact analysis is therefore required in a new CEQA document. (Exhibit C at p. 6).

There appear to be 3 existing homes within 1000' of the Novato Disposal Project Site property, located on the west side of Hwy. 101. There are many more existing residences within a 1-mile radius. A 1-mile radius includes hundreds of homes. For instance, a 1-mile radius extends westwardly from the Project Site to include the intersection of Mountain View Ave. and Purrington Road, and northeasterly includes the Miwok Valley Elementary School, a trailer park on Lakeville Hwy (116) and hundreds of homes east of Lakeville Highway. This includes up to 1000 homes and other sensitive receptors. In addition, on August 2, 2010, the City of Petaluma approved a new 272 home KB Homes subdivision, called the Quarry Heights subdivision, on the site of the old Dutra quarry near the Petaluma River. This is also within one-mile of the Novato Disposal site, and is a reasonably foreseeable future project. Pursuant to the BAAQMD CEQA Guidelines, CEQA review is required to analyze the odor impacts of the Novato Disposal Project on all of these current and reasonably foreseeable future receptors.

The close proximity of residences to a known nuisance-causing facility is an "unusual circumstance" that precludes reliance on a CEQA exemption. (*Lewis v. Seventeenth Dist. Agric. Ass'n*, (1985) 165 Cal. App. 3d 823) A CEQA document must be prepared to analyze the Project's significant odor impacts, both individually and cumulatively together with the existing facility, the already proposed 2000 ton per day project, and other existing and proposed projects in the area.

**b. There is a Fair Argument of Stormwater Pollution Impacts.**

On or about April 7 and 8, 2010, PRC obtained documents from the Regional Water Quality Control Board showing that North Bay Corp. has violated the federal Clean Water Act on hundreds of occasions by illegally discharging pollutants into stormwater run-off, including lead, zinc, iron, copper, aluminum total suspended solids, COD, and other pollutants at its facilities at 3417 Standish and 3400 Standish in Santa Rosa and at 2543 Petaluma Blvd. in Petaluma. This illegal pollution is discharging into the Petaluma River and Laguna de Santa Rosa. The detailed discharge monitoring reports are attached as Exhibit S to our letter concerning the 3417 Standish Avenue facility, previously provided to the Commission as Exhibit DD-11 to PRC's November 16, 2010 comment letter regarding the instant appeal. PRC has filed suit in federal court against North Bay Corp. for these violations. (See Exhibit CC to November 18, 2010 PRC comment letter)

The discharge reports prove that North Bay Corp. and its predecessors have on hundreds of occasions violated the federal Clean Water Act by discharging water containing pollutants in excess of the water quality standards and benchmarks promulgated by the State of California and the EPA at the Standish and Petaluma Blvd. locations. In every Annual Report submitted to the Regional Water Quality Control Boards since the 2005-2006 rainy season, up to the present, North Bay Corp.'s (and its predecessors) discharges show significant exceedances for multiple parameters, including at various times, lead, total suspended solids, chemical oxygen demand,

aluminum, copper, iron, zinc, conductivity and other parameters. Self-monitoring reports are considered "conclusive evidence of an exceedance of a permit limitation." (*Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988))

TCM concludes that the proposed Project would exacerbate stormwater run-off problems since C&D creates stormwater hazards that are greater than and different in kind than metals or tires. TCM states:

Given the lack of dust mitigation and potential for unanticipated fire flow from the site, the project may have significant stormwater impacts, particularly given that the facility is already out of compliance with clean water act requirements. (Exhibit C at p. 7)

In addition, TCM concludes that the Project is likely to overwhelm the facility's already problematic septic system. This could result in overflows of raw sewage to the Petaluma River. TCM states:

To reasonably operate this facility, the operator will need to increase the number of employees to 17 and can no longer demonstrate adequate septic facility volume. Exhibit F and G of the project description, regarding septic system capacity, indicate that the current project is estimated to generate 345 gallons/day to a system designed for 404 gallons/day. Each full-time employee is estimated to generate 15 gallons/day. An additional 4 employees would generate an additional 60 gallons/day causing the project to exceed septic capacity with 405 gallons/day. Overloading the septic system could undoubtedly have significant impacts on water quality. (*Id.*)

There is an already significant water quality impact that will only get worse with the proposed Project and that must be addressed in a CEQA document to identify effective mitigations. Clearly, mitigation measures already imposed by the County have been inadequate to stop thousands of ongoing and repeated violations of federal law. Allowing the Novato Disposal facilities to expand further and to take a greater variety of waste will only exacerbate the ongoing violations of law. This is not allowed under CEQA. An EIR is required to analyze the Project's stormwater impacts and to propose effective mitigation measures that will stop the illegal water pollution.

The existing ongoing discharges of pollutants into the Petaluma River, and pending federal Clean Water Act lawsuit concerning these discharges is an "unusual circumstance" prohibiting reliance on a CEQA exemption.

**c. There is a Fair Argument of Significant Dust Impacts.**

TCM and Dr. Pless conclude that the Project will have significant dust impacts, far greater than the previously permitted metal, plastic, paper and tire recycling facility.

Metal and tire recycling generates very little dust. By contrast, C&D debris recycling generates large amounts of dust and dust clouds that can adversely affect air and water quality, as well as public and worker health. Novato Disposal suggests no measures to mitigate these impacts. As such, the Project may have significant dust impacts. TCM states:

Dust – Impacts from dust are inherent with the CDI materials unless proper mitigations are taken. This operator has failed to provide details regarding dust control measures or mitigation measures at the proposed facility; no misting system or handheld hoses are proposed within the processing building, no dust masks or respirators for employees are planned. No air handling equipment that would keep dust within the building is mentioned. (Exhibit C at p. 2)

Dr. Pless states:

The proposed operation would process up to 150 tpd of CDI. Compared to the prior materials processed at the facility, unloading, processing, and off-site delivery of CDI may result in considerably increased emissions of fugitive dust due to the varied and unpredictable composition of CDI. (See Exhibit B at p. 10)

Many of these materials when dumped from the CDI roll-off trucks onto the CDI processing floor area will generate considerable amounts of fugitive dust particulate matter that would rise up in clouds. (In addition, large amounts of fugitive dust may be generated by processing of material with a trommel screen. While the 2010 Application claims that there is "no sort line or Trommel screen proposed," the 2009 Transfer/Processing Report indicates otherwise. It shows a Trommel screen in the northeast corner of the CDI processing building. ) The fugitive dust generated during CDI processing may blow off site and drift into close neighborhoods and parks, impairing air quality and constituting a nuisance. The 2010 Application contains no information if or how this dust would be controlled. (*id.* at p. 11)

Creation of dust and other nuisances near residences is an "unusual circumstance" precluding the exemption. (See *Lewis, supra*).

**d. There is a Fair Argument of Significant Fire Impacts.**

The proposed Project will create a fire risk far greater than the metal recycling facility currently permitted at the site. The Applicant has failed to present an adequate fire prevention plan, meaning that this impact remains significant and unmitigated. TCM explains:

Fire – Construction and demolition materials (particularly when commingled with green waste) represent a significant fire risk. Due the inherently increased fire

risk, a fire plan is required to be submitted with the application package; in this project is absent and the project description contains little information regarding the operator's plans to prevent or manage a fire. (Exhibit C at p. 2)

Creating a fire hazard near residences is an "unusual circumstances" precluding the exemption.

**e. There is a Fair Argument that the Project will Have Adverse Impacts by Reducing Waste Diversion.**

TCM explains that it will not be possible to achieve the industry standard 60% waste diversion with only 4 employees as described in the 2010 Application. Dr. Pless notes that the 2009 TPR indicated that 7.2 employees would be required for every 100 TPD of C&D and cardboard processing, but the 2010 Application indicated that only 2.3 employees would be required for each 100 TPD of C&D and cardboard processing. (See Exhibit B at p. 13, Table 1) Dr. Pless concludes that this operation may therefore constitute a "sham [ operation." (*Id.* at pp. 5-6) Dr. Pless concludes that it may not be possible to recycle any more than 35% of the incoming waste stream with only 4 employees, no sort line, and no trommel screen. (*Id.* at pp. 5, 6, 10) Dr. Pless concludes that at best, without a sort line and other equipment, the Applicant would pick out a few large pieces of metal and some other high valuable materials with a clawed excavator and then send the rest to a landfill. (*Id.*) On a good day, they would probably have a 35% percent diversion rate by weight.

As a result, the Project will have adverse impacts on waste diversion. Companies that would otherwise send their C&D debris to legitimate recyclers that achieve higher diversion rates or better will instead send their debris to Novato Disposal, where only 35% will be diverted. The net result will be that additional debris will be land-filled rather than recycled. This will have adverse effects on county landfill capacity, increase truck traffic, and increase greenhouse gas impacts of the Project. An EIR is required to analyze this impact.

Adding additional debris to an existing landfill is an "unusual circumstance" precluding the exemption. (See, *Azusa Land Reclamation, supra*).

**3. The Exemption is Improper Because There is a Fair Argument of Significant Cumulative Impacts.**

Even if the County were to find that 2543 Petaluma Blvd., 3400 Standish and 3417 Standish are not part of a single project (which they are), then the County has clearly ignored the cumulative impacts of the three projects taken together. The Applicant also ignored changed circumstances in the area – particularly a proposal from Dutra Asphalt Company to open a new facility almost adjacent to the proposed Novato Disposal Project. The Dutra application was recently approved by the County on



December 14, 2010. The proposed Novato Disposal Project would have cumulative impacts with the "reasonably foreseeable" Dutra Project. The Council hereby incorporates the EIR prepared for the Dutra Project into the administrative record for this action. An EIR is required to analyze these cumulative impacts.

**a. Legal Standard for Cumulative Impacts.**

A CEQA document must discuss a project's significant cumulative impacts. (CEQA Guidelines section 15130(a)) This requirement flows from CEQA section 21083, which requires a finding that a project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines section 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." (CEQA Guidelines section 15355(a))

"The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (*Communities for a Better Environment v. Cal. Resources Agency* ("CBE v. CRA"), 103 Cal.App.4th 98, 117 (2002)) A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines § 15355(b))

**b. Novato Disposal and Dutra Will have Cumulative Impacts.**

The Novato Disposal Project and the Dutra project will have significant cumulative impacts that must be analyzed in an EIR and which the 2010 Application ignores entirely. The projects will be almost adjacent to each other, and will contribute to cumulative noise, odors, air pollution, traffic, diesel exhaust emissions, stormwater run-off, and many other impacts. Dr. Pless concludes that the Projects will be cumulatively significant with respect to air quality, dust, traffic, diesel exhaust and other impacts. (Exhibit B at pp. 21-22)

The EIR for the Dutra Project admits that the Dutra Project will have significant unmitigated nitrogen oxide (NOx) and other impacts. The Novato Disposal Project will

also generate NOx and other pollutants. Since the Novato Disposal Project will contribute to already significant NOx pollution from the Dutra Project, the projects will have a cumulatively significant impact. This precludes reliance on an exemption.

**c. The 3400 Standish, 3417 Standish, and 2543 Petaluma Blvd. Facilities Will Have Cumulative Impacts.**

The cumulative impacts of this Project on other solid waste disposal and processing facilities has gone unanalyzed. The County's own Department of Transportation and Public Works has explained that the proposed Project described in the TPR could result in all of its waste transfer facilities being put out of business, which would eliminate revenues needed to maintain, control and close waste facilities throughout the County. This would clearly have a significant county-wide environmental impact that must be analyzed under CEQA. (*Bakersfield Citizens for Local Control v. Bakersfield*, 124 Cal. App. 4th 1184 (2004) (EIR required to analyze indirect environmental impact that proposed project may create by causing other established operations to go out of business)) Such impacts were explained at length by the County of Sonoma Department of Transportation and Public Works in its May 13, 2009 letter concerning PLP08-0120 at 3417 Standish Avenue. (Exhibit F):

**Potential Environmental Impacts of the Project.** In order to understand the potential environmental impacts of the proposed project, it is critical to understand the current solid waste processing system in Sonoma County. Currently, the Department operates and manages the Central Landfill and the five (5) transfer stations: Healdsburg, Sonoma, Annapolis, Guerneville and Central. In addition, the Department maintains the seven (7) former landfills which have been closed: Occidental, Roblar, Airport, Annapolis, Healdsburg, Sonoma, and Guerneville. Currently, 270,000 tons per year of MSW is processed by the County at the five County-owned transfer stations. The County-owned facilities currently handle all "franchised waste" (waste that is picked up by a franchised or licensed hauler for disposal) for all cities within the county, except Petaluma, [\*See Note a] plus the unincorporated franchised waste. In addition to "franchised waste," there is also "self haul waste" (waste that is delivered directly by the waste generator) that is processed for disposal at the County facilities. The applicant's proposal assumes processing of 900 TPD of MSW (or 328,500 tons per year) which apparently is the same tonnage currently being processed by the County at the County facilities, plus an additional 58,500 tons of MSW per year coming from somewhere else. The project's assumption of all waste processing within the County would result in the County's facilities being unnecessary which would result in the County's transfer stations being closed.

b) **Water Quality** - The County's operations are entirely supported by "tipping" fees which are charged at the County-owned facilities. In addition to covering the costs of processing, transporting and disposing of the garbage, the "tipping" fee

revenues also cover the cost of maintaining the seven closed landfills and all of the environmental controls that are in place at the Central Landfill. Since the County facilities will no longer be necessary under the proposed project, the County will not have a revenue stream to continue to maintain the closed landfills and the Central Landfill. This could result in potentially significant impacts to water resources within the vicinity of the former landfills and the Central Landfill due to the potential for offsite migration of contaminants.....

(h) **Land Use and Planning** - Since the project would replace the existing County-owned system, the project application needs to describe how it would impact the County's current diversion rate and goals. Currently, the Sonoma County Waste Management Agency (Agency) operates the composting program and the household hazardous waste (HHW) program at the Central Disposal Site. The County will no longer have revenues to keep the site open. In addition, the Agency will no longer be able to collect its Agency fee on waste at the County-owned facilities which means it will no longer have revenues to run any of its programs. Although the proposed project discusses the potential increased diversion that could be accomplished with the project, it is unclear when or if the additional diversion will actually happen. The project should also discuss the impacts on the Agency's composting and HHW program.

\*Note a: It should be noted that MSW generated from the city limits of Petaluma is currently being disposed of at the Redwood Landfill in Novato. It should also be noted that the project applicant recently purchased the franchise licensed operations for the city of Petaluma which could account for 30,000 tons per year of MSW being processed at the applicant's facility.

(Exhibit F at pp.2-5)

## **F. The Application Uses a Legally Erroneous CEQA Baseline.**

### **1. The CEQA Baseline.**

Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. (*Communities for a Better Environment v. So Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321) Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA:

"...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental

setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.”

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 (“*Save Our Peninsula*”))

The Supreme Court held this year that the CEQA baseline is *not* the maximum permitted limit, but rather, the actual level of operations. (*CBE v. SCAQMD* 48 Cal. 4th 310, 322) The Supreme Court explained:

Like an EIR, an initial study or negative declaration “must focus on impacts to the existing environment, not hypothetical situations.” (*County of Amador v. El Dorado County Water Agency*, 76 Cal.App.4th at p. 955.)

An approach using hypothetical allowable conditions as the baseline results in “illusory” comparisons that “can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,” a result at direct odds with CEQA's intent. (*Environmental Planning & Information Council v. County of El Dorado*, 131 Cal. App. 3d at p. 358.) The District's use of the prior permits' maximum operating levels as a baseline appears to have had that effect here, providing an illusory basis for a finding of no significant adverse effect despite an acknowledged increase in NOx emissions exceeding the District's published significance threshold.

As the court has explained, using a baseline based on maximum permitted operations, “mislead(s) the public” and “draws a red herring across the path of public input.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711)

## **2. The Application Uses the Wrong Baseline.**

Novato Disposal's 2010 Application uses the wrong CEQA baseline throughout. The Application uses the maximum permitted level of operations from the 2005 MND, rather than the actual level of operation as the baseline. This is clearly erroneous in light of the recent *CBE v. SCAQMD* case. In that case, the Supreme Court held that the CEQA baseline for a new diesel fuel project at the Conoco refinery was not the maximum permitted level from years past, but rather the actual level of operations.

In this case, Novato Disposal uses the maximum permitted level of operations from 2005 of 500 TPD and 191 vehicle trips per day. However, it appears that Novato Disposal has never reached that high level of operations. That hypothetical permitted

level is therefore not the CEQA baseline.<sup>2</sup> Instead, the actual level of operation is the baseline. The Application does not even state what the actual level of operations has been at the time the Application was filed. The information necessary to calculate the baseline is therefore absent and the document is inadequate under CEQA.

The Application suffers from this fundamental error throughout. It therefore underestimates all of the proposed Project's impacts by comparing the Project not to the actual environment, but rather to the maximum permitted operation level. This renders the documents misleading and inadequate under CEQA.

The Planning Commission made the same mistake at its hearing on November 18, 2010. The Commissioners stated that no CEQA review would be required because the CDI operation was allegedly already permitted under the existing Use Permit. However, *CBE v. SCAQMD* makes clear that the permitted operations are irrelevant. The CEQA "Baseline" is the actual environment – not the permitted level of operations. There is no question that the actual environment currently does not include CDI operations. Thus, even if CDI recycling were permitted (which it is not), the CEQA baseline would still be metal recycling, since that is the current operation at the site. The CDI operation therefore must be analyzed in a CEQA document.

#### **G. Brown Act.**

At the November 18, 2010 Planning Commission hearing, the Commission announced that no public comment would be allowed at the upcoming December 16 hearing and final vote on the Novato Disposal appeal. This is improper, and would result in a violation of the Ralph M. Brown Act, Cal. Government Code §§ 54950-54962 ("Brown Act").

The Brown Act requires that all meetings of the legislative body of a local agency must be open and public, and all persons must be allowed to attend any meeting of the legislative body of a local agency, except as otherwise provided in the Act. (Gov. Code § 54953(a)) **Under the Act, the public is guaranteed the right to provide testimony at any regular or special meeting on any subject which will be considered by the legislative body before or during its consideration of the item.** (Gov. Code §

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<sup>2</sup> The sole exception to using the actual environment as the CEQA baseline is when the project proponent proposes to complete the exact same project that was approved in the past, and build it out only to the level that was previously permitted and subjected to CEQA analysis. (See *Committee for a Progressive Gilroy v. State Water Resources Control Bd.* (1987) 192 Cal. App. 3d 847, 862–865 (restoration of a sewage treatment plant's operation to the originally approved level was the continued operation of an existing facility and did not require supplemental CEQA analysis)) Thus, if Novato Disposal proposed to increase the operations of its tire and metal operation to 500 TPD, it could do so without further CEQA review. However, since it proposes an entirely new and different project, the CEQA baseline is the actual environment at the time of the project proposal.

54954.3(a)) The Attorney General has previously concluded under a similar provision in the Bagley-Keene Act that the public's right to comment on all agenda items applied to quasi-judicial proceedings as well as quasi-legislative proceedings. In addition, the public has the right at every regular meeting to provide testimony on any matter under the legislative body's jurisdiction. (See 80 Ops.Cal.Atty.Gen. 247, 248-252 (1997); Gov. Code § 54954.3(a)) A body could only prohibit a member of the public from speaking on a matter that was outside the jurisdiction of the body. (See 78 Ops.Cal.Atty.Gen. 224, 230 (1995))

Novato Disposal is clearly indicated as an agenda item for the Commission's December 16 hearing, which agenda item is the subject of the extensive Staff Report discussed herein. Under the Brown Act, public attendance and public comment is therefore required to be permitted.

Although the Brown Act provides specific exceptions to its "open meeting" requirements, none of those exceptions apply here. The exceptions include public employee matters (Gov. Code § 54957(b)), pending litigation matters (Gov. Code § 54956.9), employee relations matters (Gov. Code § 54957.6), real property transactions (Gov. Code § 54956.8), matters related to license applicants with criminal records (Gov. Code § 54956.7), threats to public security (Gov. Code § 54957(a)), multi-jurisdictional drug law enforcement agencies (Gov. Code § 54957.8), matters related to student discipline by school boards (Educ. Code § 35146; Gov. Code § 54962), federally protected health plan information (Gov. Code § 54956.86), early withdrawal of deferred compensation plan funds (Gov. Code § 54957.10), county health plan trade secrets and contracts, (Gov. Code § 54956.87) and grand jury testimony (Gov. Code § 54953.1).

In the event the County seeks to rely on the litigation exception, there is no litigation pending in this matter, as there has yet been no final action of the LEA to challenge in a legal proceeding. Further, even if a litigation exception could arguably apply, the County has failed to provide proper notice of this exception as required under Gov. Code § 54956.9(c), and is therefore prohibited from relying on it for the instant meeting.

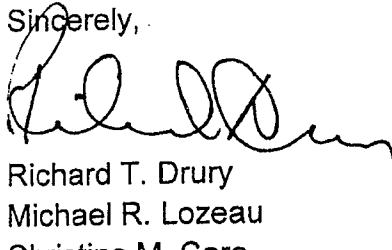
Under the Brown Act, the Planning Commission must permit members of the public to attend the Dutra hearing and submit public comment at the time this agenda item is discussed. Any failure to do would constitute an illegal act by the County.

Petaluma River Council and California Sportfishing Protection Alliance  
Opposition to Appeal by Novato Disposal of PRMD Use Permit Determination  
December 15, 2010

**Conclusion**

In its Administrative Determination, PRMD has presented a reasoned conclusion, based on applicable law and substantial evidence, that Novato Disposal's proposed CDI facility requires both a new use permit and the preparation of a new environmental document under CEQA. PRC supports the findings of PRMD, and hereby requests that the Commission affirm PRMD's findings and deny the appeal by Novato Disposal.

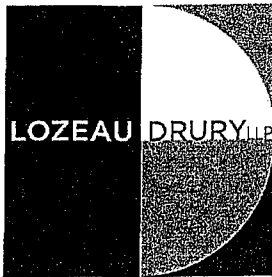
Sincerely,



Richard T. Drury  
Michael R. Lozeau  
Christina M. Caro  
Attorneys for Petaluma River Council

# EXHIBIT A





T 510.749.9102  
F 510.749.9103

1516 Oak Street, Suite 216  
Alameda, Ca 94501

www.lozeaudrury.com  
richard@lozeaudrury.com

BY HAND DELIVERY AND ELECTRONIC MAIL

August 18, 2010

Christine Sosko  
Manager, Solid Waste Program  
Department of Health Services  
County of Sonoma  
475 Aviation Blvd Ste 220  
Santa Rosa, CA 95403  
csosko@sonoma-county.org

Steve Padovan  
Sonoma County  
Permit and Resource Management Department  
2550 Ventura Avenue  
Santa Rosa, CA 95403  
SPADOVAN@sonoma-county.org

Re: Comments Re: Solid Waste Facilities Permitting for the Novato Disposal  
CDI Processing Facility at 2543 Petaluma Boulevard South, Petaluma,  
California

Dear Ms. Sosko and Mr. Padovan:

I am writing on behalf of the Petaluma River Council ("PRC") regarding the Registration Solid Waste Facilities Permit (SWFP) Application for the proposed Novato Disposal CDI Processing Facility ("ND" or "Facility") located at 2543 Petaluma Boulevard South, Petaluma, California. ("Project"). The Project would grant entitlements for the processing of construction and demolition debris ("C&D") at the ND facility at up to 174 tons per day (TPD), including the construction of a 19,200 square foot awning to house the processing of construction, demolition, & inert (CDI) debris.

PRC is composed of residents who live and/or work near the ND Facility and who are concerned about stormwater pollution from the Facility that is already affecting the Petaluma River, as well as air pollution, noise, dust, odor, traffic and other impacts that will result from the proposed Project. PRC has already filed suit against Novato

Petaluma River Council  
Comments on Novato Disposal CDI Processing Facility at 2543 Petaluma Blvd. South  
August 18, 2010

Disposal and other responsible parties in an attempt to stop ND's illegal stormwater pollution. A copy of the lawsuit, filed in Federal District Court, is attached hereto as Exhibit 1. PRC is concerned that the proposed Project will exacerbate already unacceptable levels of pollution.

We request at a minimum that the LEA and County should first conduct full CEQA review of the proposed Project, including all of its phases, and prepare a full Environmental Impact Report (EIR) to analyze all Project impacts, to consider all feasible measures to reduce Project impacts, and to consider all feasible alternative sites and sizes that could reduce Project impacts.

We have reviewed the Project and have determined that there is a "fair argument" that the Project may have significant adverse environmental impacts including but not limited to odors, air quality and greenhouse gas emissions, biological resources, land use, noise and transportation. An environmental impact report ("EIR") should therefore be prepared under the California Environmental Quality Act ("CEQA," Public Resources Code section 21000, et seq.) to fully analyze these impacts and propose feasible measures and alternatives to mitigate these impacts.

The Local Enforcement Agency ("LEA") has acted inappropriately by failing to document CEQA compliance. ND contends that the LEA should rely on an outdated mitigated negative declaration ("MND") prepared for an entirely different project in 2005 (PLP02-0072 (Feb. 8, 2005)). Reliance on the 2005 MND is inappropriate and violates CEQA because the new Project is entirely different from the Project analyzed in the MND. There are significant new impacts from this Project, as well as significant new information not available in 2006. The failure to prepare additional CEQA analysis, including adoption of mitigation measures, violates CEQA.

Furthermore, the Project is a case of unlawful piecemealing. The record shows that North Bay Corp., the owner of Novato Disposal, has applied for and intends to jointly operate and combine a material recovery facility ("MRF") at two facilities at 3400 and 3417 Standish Avenue sites in Santa Rosa, California. North Bay Corp. seeks a solid waste facility permit ("SWFP") at the 2543 Petaluma Boulevard South site in Petaluma, California and has confirmed that "the majority of the commingled recyclables received will be loaded into transfer trucks and delivered" from the Petaluma Blvd. site to the two Standish Avenue facilities. According to its own application materials, the three facilities will be operating as a single "Project" within the meaning of CEQA. Yet, instead of properly performing CEQA review of the entire project, the ND proposes to improperly proceed with this small portion of the project alone. The law requires that the LEA and Sonoma County Permit and Resource Management Department ("PRMD") prepare an EIR now for the entire project at all three sites.

We incorporate by this reference all exhibits hereto, as well as the expert comments of Dr. Petra Pless, D. Env., and Evan Edgar, Principal Civil Engineer of Total Compliance Management, submitted herewith as Exhibits 2 and 3.

I. **LEGAL STANDARD: AN EIR IS REQUIRED WHERE THERE IS A "FAIR ARGUMENT" SUPPORTED BY EXPERT EVIDENCE THAT THE PROJECT MAY HAVE ADVERSE ENVIRONMENTAL IMPACTS**

The California Environmental Quality Act, Pub. Res. Code § 21000 et seq., applies to agency projects that may have an adverse environmental impact. *CBE v. SCAQMD* 48 Cal. 4th 310, 319 (2010); *Friends of Mammoth v. Board of Supervisors*, 8 Cal.3d 247, 259 (1972); *Friends of B Street v. City of Hayward*, 106 Cal.App.3d 988, 1003 (1980) (project that included removal of trees caused significant effect on environment). CEQA's procedural and substantive requirements are "interpreted . . . to afford the fullest possible protection to the environment within its reasonable scope of the statutory language." *Friends of Mammoth*, 8 Cal.3d at 259. CEQA has two broad purposes: 1) avoiding, reducing or preventing environmental damage by requiring alternatives and mitigation measures (14 Cal. Code Regs. § 15002(a)(2)-(3) (hereinafter "**Guidelines**"); and 2) providing information to decisionmakers and the public concerning the environmental effects of the proposed project (14 Cal. Code Regs. § 15002(a)(1)).

The EIR is the "heart" of CEQA. *Dunn-Edwards v. BAAQMD*, 9 Cal.App.4th 644, 652 (1992). CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report except in certain very limited circumstances. A negative declaration may be prepared instead of an EIR only when a lead agency determines that a project "would not have a significant effect on the environment." Pub. Res. Code, § 21080(c). Such a determination may be made only if "[t]here is no substantial evidence in light of the whole record before the lead agency" that such an impact may occur. *Id.*, § 21080(c)(1).

A negative declaration is improper, and an EIR is required, whenever substantial evidence in the record supports a "fair argument" that significant impacts may occur, even if other substantial evidence supports the opposite conclusion. *CBE v. SCAQMD*, *supra*; *Mejia v. Los Angeles*, 130 Cal.App.4th 322 (2005); *Pocket Protectors v. Sacramento*, 124 Cal.App.4th 903 (2005). "Substantial evidence includes . . . expert opinion." Pub. Res. Code § 21080(e)(1); 14 Cal. Code Regs. § 15064(f)(5). Since "[t]he adoption of a negative declaration . . . has a terminal effect on the environmental review process," by allowing the agency "to dispense with the duty [to prepare an EIR]," negative declarations are allowed only in cases where "the proposed project will not affect the environment at all." *Citizens of Lake Murray v. City Council of San Diego*, 129 Cal.App.3d 436, 440 (1982). A negative declaration may be prepared instead of an EIR when, after preparing an initial study, a lead agency determines that a project "would not have a significant effect on the environment." *Quail Botanical Gardens v. City of*

*Encinitas*, 29 Cal.App.4th 1597 (1994); § 21080(c). Such a determination may be made, however, only if “[t]here is *no* substantial evidence in light of the whole record before the lead agency” that such an impact *may* occur. *Id.*, § 21080(c)(1) (emphasis added).

“Significant effect upon the environment” is defined as “a substantial or potentially substantial adverse change in the environment.”<sup>1</sup> Pub. Res. Code § 21068; 14 Cal. Code Regs. § 15382. A project “may” have a significant effect on the environment if there is a “reasonable probability” that it will result in a significant impact. *Sundstrom v. City of Mendocino*, 202 Cal.App.3d 296, 309 (1988). If any aspect of the project could result in a significant impact on the environment, an EIR must be prepared even if the overall effect of that project is beneficial. 14 Cal. Code Regs. § 15063(b)(1).

Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Pub. Res. Code § 21082.2(c). As a matter of law, “substantial evidence includes . . . expert opinion.” Pub. Res. Code § 21080(e)(1); 14 Cal Code Regs § 15064(f)(5). Under the Guidelines, substantial evidence means:

“enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. . . .” 14 Cal. Code Regs. § 15384(a).

The “fair argument” standard creates a “low threshold” favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. *Citizens Action to Serve All Students v. Thornley*, 222 Cal.App.3d 748, 754 (1990). An agency’s decision not to require an EIR can be upheld only when there is no credible evidence to the contrary. *Sierra Club v. County of Sonoma*, 6 Cal.App.4th, 1307, 1318 (1992).

As discussed below, highly-qualified experts have submitted evidence herewith that clearly establishes that the Project may have significant adverse environmental impacts. An EIR is therefore required.

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<sup>1</sup> Under the CEQA Guidelines, “significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance. . . .” 14 Cal. Code Regs. § 15382.

II. **AN EIR IS REQUIRED HERE TO ANALYZE THE POTENTIALLY SIGNIFICANT IMPACTS OF THE PROJECT AND SIGNIFICANT NEW INFORMATION**

A. **CEQA Applies to the LEA's Approval of a Solid Waste Facility Registration Permit for the Project**

The Project at issue here is a CEQA project. Under CEQA a project is a discretionary activity undertaken by an agency that may cause a direct physical change in the environment. Pub. Res. Code § 21080(a); 14 Cal. Code Regs. § 15378. An activity is a CEQA project where it might result in a direct physical change in the environment; i.e., "land, air water, minerals, flora, fauna, ambient noise. . ." Pub. Res. Code § 21065; 14 Cal. Code Regs. § 15360. Private activities, as here, are a CEQA project where they involve government approval or authorization. Pub. Res. Code § 21065(b)-(c); 14 Cal. Code Regs. § 15002(c). CEQA projects include those supported by public contracts. Pub. Res. Code § 21065(b); 14 Cal. Code Regs. § 15378(a)(2). Thus, CEQA applies to a discretionary action of a public agency that may cause a physical change in the environment.

CalRecycle's website states, "Although the registration tier currently does not require the applicant to submit evidence of CEQA compliance, CEQA compliance may be required through a permit or approval by a responsible or lead agency. Please note that CalRecycle staff are reviewing the CEQA requirements for registration permits and may change this regulation in the future."  
(<http://www.calrecycle.ca.gov/SWFacilities/Permitting/CEQA/default.htm>) However, review of the applicable regulation, 14 Cal.Code Regs. §18104 shows that there is no CEQA exemption for registration permits. Rather, there is simply no mention of CEQA at all. Since CEQA does not allow for implied CEQA exemptions, CEQA clearly applies to the Registration Permits. See, *Wildlife Alive v. Chickering*, 18 Cal.3d at 195-198, 202; *Mountain Lion v. Fish and Game Comm'n* 16 Cal.4th 105, 116 (1997) ("where exceptions to a general rule are specified by statute, other exceptions are not to be presumed unless a contrary legislative intent can be discerned"). Furthermore, only the legislature of the Resources Secretary can grant CEQA exemptions, and none has been issued for Registration Permits by either entity. A website clearly cannot grant a CEQA exemption.

B. **The Registration Permit is a Discretionary Action**

CEQA "shall apply to discretionary projects proposed to be carried out or approved by public agencies ..." Pub. Res. Code § 21080(a). Section 15002(i)(2) of the CEQA Guidelines provides that "whether an agency has discretionary or ministerial control over a project depends on the authority granted by the law providing the controls over the activity." In *Natural Resources Defense Council v. Arcata National Corporation*, 59 Cal.App.3d 959, 968 (1976), the court summarized the distinction between discretionary

and ministerial: "a discretionary act is one which requires personal deliberation, decision and judgment, while a ministerial act amounts only to the performance of a duty in which the officer is left no choice of his own." Courts have found that discretion exists where the approving agency can impose reasonable conditions based on professional judgment. *San Diego Trust & Sav. Bank v. Friends of Gill*, 12 Cal.App.3d 203 (1981) (city's power to temporarily stay demolition of an allegedly historic building although "arguably" ministerial, was deemed discretionary); *People v. Dept. of Housing & Community Develop.*, 45 Cal.App.3d 185 (1975) (issuance of a conditional permit held to be discretionary in view of its containing both fixed design and construction specifications and generalized standards requiring the use of judgment).

Here, there is no question that this Project is a discretionary action. The LEA has discretion when it comes to issuing Registration Permits. The LEA has the primary responsibility in processing and enforcing Registration Permits. The LEA reviews operator application packages to determine completeness and adequacy, and writes permits that include conditions that protect public health, safety and the environment. Relevant portions of Title 14 of the California Code of Regulations provide the LEA with discretionary authority, and expressly mention the need for "CEQA mitigation measures," including but not limited to (emphasis added):

14 CCR 17407.3 (2010)

§ 17407.3. Drainage Control

(a) Drainage at all operations and facilities shall be controlled to:

- (1) minimize the creation of contact water;
- (2) *prevent to the greatest extent possible given existing weather conditions, the uncontrolled off-site migration of contact water;*
- (3) protect the integrity of roads and structures;
- (4) *protect the public health;* and
- (5) prevent safety hazards and interference with operations.

14 CCR 17407.4 (2010)

§ 17407.4. Dust Control

(a) The operator shall take *adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates*, and prevent other safety hazards to the public caused by obscured visibility. The operator shall minimize the unnecessary

handling of wastes during processing to prevent the creation of excessive dust. Measures to control dust include, but are not limited to: reduced processing, periodic sweeping and cleaning, misting systems or ventilation control. One or more of the following may be an indication that dust is excessive:

- (1) safety hazards due to obscured visibility; or
- (2) irritation of the eyes; or
- (3) hampered breathing;
- (4) migration of dust off-site.

14 CCR 17407.5 (2010)

§ 17407.5. Hazardous, Liquid, and Special Wastes

(a) An operation or facility shall not intentionally accept or store hazardous wastes, including batteries, oil, paint, and special wastes, unless it has been approved to handle the particular waste by the appropriate regulatory agencies. Such approvals shall be placed in the operating record.

(b) At operations and facilities where unauthorized hazardous wastes are discovered, control measures as are necessary to protect public health, safety and the environment, such; as elimination or control of dusts, fumes, mists, vapors or gases shall be taken prior to isolation or removal from the operation or facility,

(c) Liquid wastes and sludges shall not be accepted or stored at an operation or facility unless the operator has written approval to accept such wastes from the appropriate agencies and the EA. The EA shall authorize acceptance of these wastes only if the operation, facility, and the transfer vehicles are properly equipped to handle such wastes in a manner to protect public health, safety, and the environment.

14 CCR 17408.3 (2010)

§ 17408.3. Noise Control

Noise shall be controlled to prevent health hazards and to prevent nuisance to nearby residents. *Measures to control noise include but are not limited to:* posting of warning signs that recommend or require hearing protection; separation by barriers that limit access to authorized personnel only; or, enclosures to reduce noise transmission. Compliance with specific provisions regarding noise control in a local land use approval, such as a conditional use permit or **CEQA mitigation measures**, shall be considered compliance with this standard.

14 CCR 17408.5 (2010)

§ 17408.5. Nuisance Control

Each operation and facility shall be conducted and maintained to prevent the creation of a nuisance. Compliance with specific provisions regarding nuisance control in a local land use approval, such as a conditional use permit or **CEQA mitigation measures**, shall be considered compliance with this standard.

14 CCR 17408.8 (2010)

§ 17408.8. Protection of Users

An operation or facility shall be designed, constructed, operated, and maintained so that contact between the public and solid wastes is minimized. This may be accomplished through the use of railings, curbs, grates, fences, and/or spotters.

14 CCR 17409.1 (2010)

§ 17409.1. Roads

All on-site roads and driveways shall be designed and maintained to *minimize the generation of dust and tracking of soil onto adjacent public roads*. Such roads shall be kept in safe condition and maintained to allow vehicles utilizing the operation or facility to have reasonable all-weather access to the site.

14 CCR 17409.3 (2010)

§ 17409.3. Scavenging and Salvaging

Each operation or facility shall meet the following requirements:

- (a) scavenging shall be prohibited;
- (b) salvaging of materials, such as metal, paper, glass and cardboard is permitted as an integral part of the operation, ***subject to conditions established by the EA, the local land use authority, or other approving agencies.***
- (c) salvaging activities shall be conducted in a planned and controlled manner and not interfere with other aspects of site operation. Activities shall be conducted so as not to interfere with expeditious entry and exit of vehicles delivering waste to the transfer or processing operation or facility. Salvaging activities conducted at a transfer/processing operation or facility shall be confined to specified, clearly identified areas of the operation or facility, and *controlled to prevent health, safety or nuisance problems*;



(d) storage of materials salvaged from solid wastes shall be ancillary to the activities of the operation or facility unless such storage is planned as an integral part of the operation. Materials salvaged on-site shall be stored away from other activity areas in specified, clearly identifiable areas as noted in the Facility Plan or Transfer/Processing Report. They shall be arranged to *minimize risk of fire, health and safety hazard, vector harborage, or other hazard or nuisance, and limited to a specified volume and/or duration as described in the Enforcement Agency Notification, Facility Plan, or Transfer/Processing Report.*

14 CCR 17409.6 (2010)

§ 17409.6. Parking

Adequate off-street parking area(s) shall be provided, if necessary, for transfer vehicles. Compliance with specific provisions regarding adequacy of off-street parking in a local land use approval, such as a conditional use permit or **CEQA mitigation measures**, shall be considered compliance with this standard.

14 CCR 17410.1 (2010)

§ 17410.1. Solid Waste Removal

(a) All solid wastes shall be removed at the following frequencies **or at an alternate frequency approved by the EA**, in order to prevent the propagation or attraction of flies, rodents or other vectors:

(1) operations shall remove solid wastes accepted at the site within 7 days from the date of receipt;

(2) facilities shall remove solid waste accepted at the site within 48 hours from the time of receipt.

14 CCR 17410.4 (2010)

§ 17410.4. Vector, Bird and Animal Control

The operator shall take *adequate steps* to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors, and animals.

These provisions provide the LEA with clear discretionary authority to impose conditions to reduce nuisance, dust, odors, stormwater run-off, prevent health, safety or nuisance problems, and impose many other conditions to protect public health and the environment. Furthermore, the regulations expressly reference the need for CEQA mitigation measures. As such the Registration Permit is a discretionary action subject to CEQA.

**C. The Lead Agency Must Comply with CEQA Including Public Comment Prior to Any Permit Action by the LEA.**

Pursuant to CEQA, the Lead Agency must be accountable for CEQA compliance here. Previous discretionary approvals at 2543 Petaluma Blvd. South indicate that the Lead Agency should be the County of Sonoma Permit and Resource Management Department ("PRMD"). This is because the current use permit that was subject to a PRMD mitigated negative declaration dated Feb. 8, 2005, in file PLP02-0072. See Feb. 8, 2005 MND submitted herewith as Exhibit 4. Condition 70 provides that:

The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The Applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. The director of PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by the Director of PRMD are limited to those items that were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from the Director, and shall not affect the original permit approval date or the term for expiration of the permit.

Despite this, no land use or CEQA determination has been made by the Director of PRMD for this Project.

PRMD Project Planner Steve Padovan issued a letter on May 18, 2006 addressed to Mr. James Salyers of Novato Disposal. That letter states in total:

I am in receipt of your letter dated April 24, 2006 stating that the tire recycling operations have been discontinued and that construction and demolition debris sorting and recycling is proposed for the building that was to house the tire recycling. Based on the fact that all operations will occur within the building and that no grinding or shredding will occur of the C&D materials, staff finds the change in use is compatible with the approved conditions of approval for PLP02-0072.

Exhibit 5. First, under the CUP, only the Director of PRMD is empowered to alter the permit in any way. Mr. Padovan is not the Director of PRMD, so the letter is without any operative effect. Second, the letter does not even purport to amend the permit. It merely makes an unsubstantiated conclusion that C&D recycling is "compatible" with the existing permit. This is untrue, but also of no legal import since it is a legal

conclusion. Third, Mr. Padovan's letter was never subject to any public notice, review or comment. Therefore the letter is without legal effect.

The Lead Agency is responsible for most decisions regarding the proper manner of complying with CEQA in considering and carrying out a project. Pub. Res. Code § 21067; 14 Cal. Code Regs. § 15050. The agency that carries out the project typically is the lead agency. 14 Cal. Code Regs. § 15051(a). Lead agency duties may include:

- Determining if a project application is complete (14 Cal. Code Regs. § 15060(a));
- Identifying whether a project is CEQA exempt (14 Cal. Code Regs. § 15061);
- Conducting an Initial Study (14 Cal. Code Regs. § 21080(c));
- Preparing and circulating a negative declaration or mitigated negative declaration (14 Cal. Code Regs. §§ 15072(a) - 15074(b));
- Preparing an Environmental Impact Report (14 Cal. Code Regs. § 15084); and
- Adopting an enforceable mitigation plan (14 Cal. Code Regs. § 21081.6).

Even if the LEA were the CEQA Lead Agency, the record developed thus far indicates that the Applicant intends to avoid CEQA entirely and rely upon the 2005 MND. The LEA has prepared no initial study, documentation of any CEQA analysis of whether the Project was CEQA exempt, whether significant environmental impacts exist from the proposed new and expanded operations, whether such impacts can be mitigated, or whether feasible alternatives exist.

Thus, the record contains no evidence of any of the following required lead agency tasks pursuant to CEQA: identifying whether the Project is CEQA exempt (14 Cal. Code Regs. § 15061); conducting an Initial Study (14 Cal. Code Regs. § 21080(c)); preparing a negative declaration or mitigated negative declaration (14 Cal. Code Regs. §§ 15072(a) - 15074(b)); or adopting a mitigation monitoring plan (14 Cal. Code Regs. § 21081.6).

These omissions violate CEQA, and the public participation requirements that are an essential part of the CEQA review process. Each public agency is directed to provide for extensive formal and informal public involvement to receive and evaluate public reaction to environmental issues related to the agency's activities. Pub. Res. Code §§ 21083 and 21087; 14 Cal. Code Regs § 15201; *Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Assoc.*, 42 Cal.3d 929, 936 (1986) (public holds privileged position in CEQA process based on belief that citizens can make important contributions to environmental protection and on notions of democratic decision making); *County of Inyo v. City of Los Angeles*, 160 Cal.App.3d 1178, 1185 (1984) (CEQA process must "be opened to the public, premised upon a full and meaningful disclosure of the scope, purposes and effect of a consistently described project").

**D. CEQA Limits The Circumstances Where The Lead Agency Can Rely on a Prior CEQA Clearance to Forego CEQA Review of a New Project**

An agency may only rely on a prior CEQA document if the new action is "**essentially the same project**" that was analyzed in the prior CEQA document, and only minor changes are proposed. *Sierra Club v. County of Sonoma* 6 Cal.App.4th 1307 (1992), 1320; *American Canyon Community v. American Canyon*, 145 Cal.App.4th 1062 (2006).

As discussed in the comment letters of Dr. Petra Pless and TCM, the C&D facility is **not** "essentially the same project" as was reviewed in the 2005 MND. TCM and Dr. Petra Pless explain that C&D recycling is different in kind and has very different, and often more severe, environmental impacts than the metal and tire recycling analyzed in the 2005 MND. As TCM states,

The CDI facility described in the SWFP application package is substantially different and potentially more impactful than the "Light Processing Recycling Facility" that was evaluated under CEQA requirements and permit conditions approved by the Sonoma County Board of Supervisors in PLP02-0072 for the site. In fact, mixed CDI materials are not generally considered "source separated", are among the heaviest and most difficult to process solid waste materials recovered and certainly contain more potential impacts than the aluminum, plastic, glass, and paper waste identified in the PLP02-0072 project description. Exhibit 3 at pp. 1-2.

As Dr. Pless states:

[T]he operation of the facility under the proposed Use Permit is substantially different from the operation that was analyzed in the 2005 MND and is permitted under the current Use Permit (PLP02-0072). The 2010 Application fails to recognize that this change in operations constitutes a "project" under CEQA that requires environmental review. Exhibit 2 at p. 6.

The proposed operation would process up to 150 tpd of CDI. Compared to the prior materials processed at the facility, unloading, processing, and off-site delivery of CDI may result in considerably increased emissions of fugitive dust due to the varied and unpredictable composition of CDI. *Id.* at p.10.

The agency may therefore not rely on the 2005 MND and must prepare a new CEQA document for this new Project.

Pursuant to Public Resources Code § 21166 and 14 Cal. Code Regs. § 15162<sup>2</sup>, if changes in the new Project or new information show any new significant

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<sup>2</sup> CEQA Guidelines section 15162 provides in part: "(a) When . . . a negative declaration [has been] adopted for a project, no subsequent EIR shall be prepared for that project unless the

environmental effects or increase the severity of environmental effects identified in prior CEQA document, the agency **must** prepare an additional CEQA document such as a supplemental EIR ("SEIR"). "An EIR is required for a site specific project within the larger program if the project *may* cause significant effects." *American Canyon Community v. City of American Canyon*, 145 Cal.App.4th 1062, 1073 (2006) (emphasis original). This rule applies equally to project changes following an agency's adoption of a negative declaration or a mitigated negative declaration. *Benton v. Board of Supervisors*, 226 Cal.App.3d 1467, 1477-1481 (1991).

Thus, numerous courts have required supplemental CEQA review where a prior CEQA document failed to analyze significant changes in a future project or where there are previously unanalyzed or increased significant impacts. *Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association*, 42 Cal.3d 929, 934 (1986) (public entity violated CEQA when it failed to prepare a SEIR for significant project changes and new information); *Mani Brothers v. City of Los Angeles*, 153 Cal.App.4th 1385, 1405 (2007) (reversing agency and holding that original EIR failed to adequately analyze public safety impacts, even where building footprint unchanged and 390 page addendum prepared); *American Canyon*, 145 Cal.App.4th at 1073 (increase in size and project changes is substantial change triggering subsequent environmental review); *Eller Media Co. v. Community Redevelopment Agency*, 108 Cal.App.4th 25 (2003) (SEIR required when a billboard project had the potential to introduce new impacts on visual resources); *Mira Monte Homeowners Assoc. v. County of Ventura*, 165 Cal.App.3d 357, 363-4 (1985) ("failure to prepare a subsequent or supplemental EIR deprived the public, who relied upon the EIR's representations of meaningful public participation").

As explained by Dr. Pless and TCM, the proposed Project has numerous impacts that are more severe or completely different than the project analyzed in 2005. As TCM explains:

The proposed facility presents potential environmental impacts that were not fully evaluated during the CEQA process:

- Fire – Construction and demolition materials (particularly when commingled with green waste) represent a significant fire risk. Due [to] the inherently increased fire risk, a fire plan is required to be submitted with the application

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lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: (1) Substantial changes are proposed in the project which will require major revisions of the previous . . . negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects . . . (b) If changes to a project . . . occur . . . after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation."

package; in this project is absent and the project description contains little information regarding the operator's plans to prevent or manage a fire.

- Dust – Impacts from dust are inherent with the CDI materials unless proper mitigations are taken. This operator has failed to provide details regarding dust control measures or mitigation measures at the proposed facility; no misting system or handheld hoses are proposed within the processing building, no dust masks or respirators for employees are planned. No air handling equipment that would keep dust within the building is mentioned.
- Odors – The operator is planning to handle green waste (storing it up to 90 days after processing). Green waste can generate odors if not properly managed beginning with its receipt at the facility. The potentially significant odors from green waste are well-documented but were not assessed during the original CEQA process. Under the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the project may have significant odor impacts on nearby residences since there are residences within less than one mile of the facility. An odor impact analysis is therefore required in a new CEQA document. Exhibit 3 at p. 2.

TCM also explains that the Project is likely to increase existing stormwater run-off problems, and is likely to cause the facility's septic system to be overwhelmed. Both of these effects may have significant impacts on the nearby Petaluma River.

As Dr. Pless explains:

CDI is a very heterogeneous waste stream and can contain a large number of different materials, including:

- Lumber and wood, dimensional lumber & shapes, wood shavings, wood dust, plywood, particleboard, oriented strandboard, wood products, painted wood (including lead paint), pressure-treated wood, wood composites, pallets/spools/reels, pressboard/chipboard, range of composite materials;
- Gypsum wallboard (mainly gypsum with paper backing);
- Roofing material (including roofing felt, asphalt or fiberglass roofing shingles, and foam roofs);
- Siding material including wood and plastic, windows, doors;
- Carpeting and floor coverings, carpet padding, window coverings, ceiling tiles, asbestos tiles;
- Heating, ventilating, and air conditioning systems and their components, electrical equipment, electrical fixtures (metal, light tubes/bulbs, ballasts, fluorescent lights), electrical wiring, electrical switches, rubber hosing/conduits, plumbing systems, plastic pipe;
- Appliances, equipment, furnishings, and fixtures;

- Tools and building materials, corrugated shipping containers, cardboard and other packaging materials, plastic sheet film, shrink wrapping, discarded paint brushes, plastic buckets/containers with residues, tires (some with wheels);
- Concrete (including fiberglass, wire mesh or steel reinforcing bar embedded in the concrete), fully cured asphalt, brick, cinder block masonite/slate, slag, plaster, ceramics, porcelain, including bathroom fixtures, clay and clay products;
- Metal work, metal-ferrous, metal-nonferrous, glass, fiberglass, insulation (fiberglass, mineral wool, treated cellulose, insulation-sheathing);
- Plant materials, high organic based fractions; and
- Dirt/earth, primary inert fractions, treated industrial wastes and de-watered bentonite-based drilling mud.<sup>3,4</sup>

Many of these materials when dumped from the CDI roll-off trucks onto the CDI processing floor area will generate considerable amounts of fugitive dust particulate matter that would rise up in clouds.... The fugitive dust generated during CDI processing may blow off site and drift into close neighborhoods and parks, impairing air quality and constituting a nuisance. Exhibit 2 at pp. 10-11.

Dr. Pless also explains that the Project is likely to increase diversion of CDI to landfills, as well as to result in objectionable odors that will adversely impact sensitive receptors in the vicinity. *Id.* at pp. 10, 12, 20-21. For all of these reasons, the agency may not rely on the prior 2005 MND.

#### **E. This Project is Not Exempt and Exemption Procedures Have Not Been Followed**

As demonstrated in this letter and the supporting expert materials, there is a "fair argument" that the Project will have a significant impact on the environment and that there is substantial evidence of new, significant and unanalyzed impacts in areas including odors, air quality and greenhouse gas emissions, biological resources, land use, transportation and noise that have not been analyzed in any prior CEQA document or that are more significant than previously analyzed.

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<sup>3</sup> Final Text of Construction and Demolition and Inert Debris Processing Tiered Regulations, Title 14: Natural Resources, Division 7: California Integrated Waste Management Board, Chapter 3.0: Minimum Standards for Solid Waste Handling and Disposal, Article 4: Definitions, July 10, 2003; *emphasis* added.

<sup>4</sup> <http://www.recyclecddebris.com/rCDd/Resources/Documents/CSNCharacterizationCDWasteUS.pdf>

CEQA exemptions are narrowly construed in light of statutory authority that limits exemptions to projects determined not to have a significant environmental impact. *East Peninsula Ed. Council, Inc. v. Palos Verdes Peninsula Unified*, 210 Cal.App.3d 155, 171 (1989) (project not exempt). Exempt activities are either expressly identified by statute (i.e., statutory exemptions, Pub. Res. Code § 21080.01 et seq.; 14 Cal. Code Regs. §§ 15261-15285) or those that fall into specific classes deemed categorically exempt by the Secretary of Resources (i.e., categorical exemptions, Pub. Res. Code §§ 21080(b)(10); 14 Cal. Code Regs. §§ 15300). Exemptions cannot be unreasonably expanded beyond their terms. "If legitimate questions can be raised about whether the project might have a significant impact and there is any dispute about the possibility of such an impact, the agency cannot find with certainty that a project is exempt." *Davidon Homes v. City of San Jose*, 54 Cal.App.4th 106, 117 (1997) (citations omitted).

In granting an exemption, the agency must proceed in the manner prescribed by law, otherwise it abuses its discretion. *Dehne v. County of Santa Clara*, 115 Cal.App.3d 827, 843 (1981). The determination that a project falls under a categorical exemption requires discretionary factfinding. *CalBeach Advocates v. City of Solana Beach*, 103 Cal.App.4th 529, 541 (2002). Thus for example, the statutory exemption for development approvals based on previous planning or zoning EIR cannot apply where the procedures for such an exemption are not followed. Pub. Res. Code § 21083.3. "Preliminary environmental review . . . supported by evidence in the record" must be conducted before an exemption decision can be made. *Davidon Homes*, 54 Cal.App.4th at 117. "Only with a considered analysis of the purposes and policy behind this law, and a careful analysis of the proposed project, can an agency apply an exemption to a specific project which appears to meet the exemption criteria." *Dehne*, 115 Cal.App.3d at 843 (record showed a "scrupulous effort . . . to ensure a thorough and objective consideration of whether this project would be categorically exempt"). "At a minimum, the administrative record must disclose substantial evidence of every element of the contended exemption . . ." *Western Mun. Water Dist. v. Superior Court*, 187 Cal.App.3d 1104, 1113 (1986) (exemption improper).

This analysis applies to the so-called "common sense" exemption, "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." 14 Cal. Code Regs. § 15061(b)(3); emphasis added. Courts have construed this exemption strictly, and have held that claims that adverse impacts will result are sufficient to remove the project from the exemption. *Myers v. Board of Supervisors*, 58 Cal. App.3d 413, 427 (1976).

The record shows no considered or scrupulous CEQA exemption analysis. There is no evidence that the LEA conducted an initial study or the required preliminary review to determine whether CEQA applies to this Project. Instead, Novato Disposal asks the LEA to approve the proposed Project with no CEQA review and no CEQA exemption, despite clear evidence that the Project is substantially different and significantly larger than the project previously reviewed under CEQA. This would



constitute an unlawful "informal CEQA exemption." *Concerned Citizens of Costa Mesa*, 42 Cal. 3d at 929 (informal CEQA exemption was unlawful because project constructed was different than project reviewed under CEQA).

**III. THE PROJECT IS THE FIRST STEP IN A MUCH LARGER PROJECT – CEQA REVIEW OF THE ENTIRE PROJECT IS REQUIRED NOW TO AVOID PIECEMEALING**

The Project is a blatant case of prohibited piecemealing violation of CEQA. Novato Disposal is a wholly owned subsidiary of North Bay Corporation ("NBC"). In December 2009, the Applicant prepared a Transfer/Processing Report ("TPR") under Title 14 of the California Code of Regulations (CCR), Section 18221.6, for the facility.<sup>5</sup> The TPR demonstrates that NBC's intention is to operate a much larger C&D processing facility at the 2543 Petaluma Blvd. location. Furthermore, the TPR and other documents demonstrate that NBC has applied for and intends to jointly operate and combine a material recovery facility at the adjacent properties at the Project site at 3417 Standish Avenue and across the street at 3400 Standish Avenue. The TPRs confirm that "the majority of the commingled recyclables received will be loaded into transfer trucks and delivered" from the 2543 Petaluma Blvd. site to the two Standish Avenue facilities for processing.

Dr. Petra Pless explains that the 2009 TPR describes a much larger project than is now presented by Novato Disposal. See Exhibit 2 at pp. 13-14. This makes clear that NBC's intention is to use this smaller Project as the "camel's nose under the tent," and then to expand the facility over time to the larger project that it proposed less than one year ago. This is precisely the type of piecemealing that CEQA is designed to prohibit. CEQA requires that the agency must analyze the proposed project together with all "reasonably foreseeable future projects." The massive project described in the TPR is clearly "reasonably foreseeable" and therefore must be analyzed. The fact that NBC intends to expand the facility explains why the Project is being constructed with a design capacity many times larger than the proposed permitted capacity. Dr. Pless explains the difference between the Project now being proposed and the project described in the 2009 TPR. Dr. Pless states:

The information contained in this Transfer/Processing Report is substantially different than the information presented in the 2010 Application. The table below summarizes the key differences:

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<sup>5</sup> North Bay Corporation, Novato Disposal Services, CDI Processing And Recyclables Transfer Facility, Transfer/Processing Report, December 2009. See Exhibit 10 at Exh. I.

Petaluma River Council  
 Comments on Novato Disposal CDI Processing Facility at 2543 Petaluma Blvd. South  
 August 18, 2010

| Parameter                      | 2009 Transfer/Processing Report   | 2010 Application  |
|--------------------------------|---|---|
| <u>Facility capacity</u>       |   |   |
| Permitted                      | 250 TPD CDI   | 150 TPD CDI   |
| Design                         | 120 TPD single-stream recyclables<br>420 TPD CDI<br>256 TPD single-stream recyclables | 24 TPD cardboard  |
| <u>Operating hours</u>         | 24 hours/day  | Monday–Saturday 4:00 a.m.–6:00 p.m.<br>Sunday 9:00 a.m. – 6:00 p.m. |
| <u>Public tipping</u>          | Self-haulers with accounts, e.g., roofers, gardeners, contractors, etc.               | None  |
| <u>Truck capacity</u>          |   |   |
| CDI                            | 4 tons/truck  | 3.5 tons/truck  |
| Residue                        | 4.8 tons/roll-off truck   | 20 tons/trailer   |
| Recycled CDI materials         | 21 tons/truck   | 4.2 tons/truck  |
| <u>Employees</u>               |   |   |
| Processing (CDI & recyclables) | 7.2 employees/100 TPD<br>(18 employees/250 TPD)                                       | 2.3 employees/100 TPD<br>(4 employees/174 TPD)                      |
| Office staff                   | 4 employees   | 5 employees   |
|                                |   |   |
| <u>Processing equipment</u>    |   |   |
| Trommel screen                 | Screen U.S.A. Box 810 or equivalent   | None  |
| Baler                          | Enterprise  | Cranston  |

*Id.* at p. 13.

Thus, Novato Disposal and NBC have proposed 2 projects. First the 175 TPD facility now under consideration. Then, NBC intends to expand this to the 370 TPD facility – more than twice the size. In addition, NBC intends to operate this facility together with the two facilities on Standish Avenue. In sum, the Applicant has proposed a phased project, ultimately up to 2,000 tons per day or more at the properties, with materials variously transferred between the three facilities. These separate actions are clearly all pieces of a single CEQA “project” and must be analyzed together **before** any pieces of the single project may be approved. At the very least, they are “reasonably foreseeable” projects that must be analyzed for their cumulative impacts. PRC has previously submitted comments to the LEA and PRMD on the 3400 Standish Avenue and 3417 Standish Avenue projects. Those comments are also attached hereto as Exhibit 10 (3400 Standish Avenue comments) and Exhibit 11 (3417 Standish Avenue comments).

The courts have repeatedly held that “an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document].” *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (1977). Thus, CEQA mandates “that environmental considerations do not become submerged by chopping a large project into many little ones -- each with a minimal potential impact on the

environment -- which cumulatively may have disastrous consequences." *Bozung v. LAFCO*, 13 Cal.3d 263, 283-84 (1975); *City of Santee v. County of San Diego*, 214 Cal.App.3d 1438, 1452 (1989). Before undertaking a project, the lead agency must assess the environmental impacts of all reasonably foreseeable phases of a project and a public agency may not segment a large project into two or more smaller projects in order to mask serious environmental consequences. As the Court of Appeal stated:

"The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, **covering the entire project, from start to finish**. . . the purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind." *Natural Resources Defense Council v. City of Los Angeles*, 103 Cal.App.4th 268 (2002) (emphasis added).

Similarly, an initial study must consider the "whole of an action." 14 Cal. Code Regs. § 15378(a). That means:

"[T]he environmental review accompanying the first discretionary approval must evaluate the impacts of the ultimate development authorized by that approval. . . . Even though further discretionary approvals may be required before development can occur, the agency's environmental review must extend to the development envisioned by the initial approvals. It is irrelevant that the development may not receive all necessary entitlements or may not be built. Piecemeal environmental review that ignores the environmental impacts of the end result will not be permitted."

See Kostka, et al., *Practice Under the California Environmental Quality Act*, § 6.52, p. 298.

The record here shows that Applicant applied in October 29, 2008 (PLP08-120) for a Use Permit at 3417 Standish Ave. and 3555 Standish Ave. for a 243,706 sq. ft. structure (including removal of 20 redwood trees) capable of handling 2,000 tons per day with 760 vehicles, (submitted as Exhibit F to comments on 3417 Standish Ave. project, and attached hereto for ease of reference as Exhibit 6). It proposed a so-called "Phased Approach" during demolition to re-locate personnel to 3400 Standish Avenue. "Operations there are being upgraded to meet all environmental standards and will continue there until such point as the new construction that the MRF operation can be moved into the new building." Applicant wrote to the LEA in a letter dated February 5, 2009 submitted herewith as Exhibit 7 that "3400 is capable of processing the material from 3417 without the alteration of the processing works . . . we will submit the application and work with all regulators to insure protection of the environment and work to get the roof in place prior to construction at 3417." This submission is proceeding now as Applicant indicated. Yet, despite the clear additional "development envisioned"

between the sites and projects, the record shows that the LEA and PRMD are piecemealing these projects bit by bit.

The record further shows that Applicant then applied in February 27, 2009 (PLP09-0014) for a Use Permit at 3400 Standish Avenue for the 27,000 sq. foot awning as envisioned during the application process for PLP09-120 at the site of the instant Project -- 3417 Standish Avenue, submitted herewith as Exhibit 8. Again, in the application, the Applicant explains the "Relationship of 3417 and 3400 Standish and Phased permit Approach." It explains that "Phase 2 Temporary Use includes the temporary processing of 3417 Standish Avenue material at 3400 Standish . . ." The Application contains extensive explanations on the circulation, parking and operations between the two properties.<sup>6</sup>

**IV. THE 2005 MITIGATED NEGATIVE DECLARATION IS FOR A DIFFERENT PROJECT WITH DIFFERENT ENVIRONMENTAL IMPACTS**

**A. The Registration Permit is For A Different Project**

As discussed above, the agencies may not rely on the 2005 MND because it was prepared for a different facility with different types of impacts. Many of the impacts of the proposed Project are more severe and different in scope and nature. *American Canyon*, 145 Cal.App.4th at 1077.

**B. If the Agency Relies on The 2005 MND, Then There is An Inadequate Project Description**

CEQA compliance documentation must accurately describe the proposed Project. *Christward Ministry v. Superior Court*, 184 Cal.App.3d 180 (1986); 14 Cal. Code Regs. § 15071(a.) The Project description must include a description of the environmental setting of the Project. A CEQA document "must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, from both a local and a regional perspective." *Environmental Planning and Info. Council v. County of El Dorado*, 131 Cal.App.3d 350, 354 (1982); 14 Cal. Code Regs. § 15125.

As discussed above, the proposed Project is significantly different than the project approved in 2005. The 2005 MND did not describe the Project being proposed now. The 2005 MND did not describe C&D processing at all, nor did it discuss C&D environmental impacts or mitigations. As TCM explains, C&D generates far more dust,

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<sup>6</sup> The February 2010 Transfer/Processing Report ("TPR") for the 3417 Standish Avenue SWFP admits at p. 9 that "[i]f the daily maximum tonnage of 500 TPD is exceeded a limited amount of the excess material will be sent to North Bay's adjacent facility located at 3400 Standish Ave."

stormwater run-off, odor, fire hazard and other impacts than metal recycling. The 2005 MND simply does not describe the instant Project at all.

Furthermore, as Dr. Pless explains, the application materials submitted to the LEA inaccurately describe the Project as well. Most obvious is that the application understates vehicle traffic by one third. The application calculates vehicle trips per day based on the number of vehicles that will visit the site each day. However, the application fails to take into account that each vehicle represents two trips, not one – one arriving and one leaving. Thus, the application undercounts total vehicle trips by half. This is a significant miscalculation that results in an inaccurate project description that misleads the public. Even under a generous analysis which assumes 18 daily truck trips to be fully loaded both incoming and outgoing from the Project site, Dr. Pless concludes that the Project will generate 114 vehicle trips per day, not the 80 vehicle trips set forth in the 2010 Application. See Exhibit 2 at pp. 16-17. This is higher than the current actual vehicle trips at the existing facility and higher even than the level permitted in the 2005 MND.

TCM explains that the application understates the number of employees that will be required for the facility. TCM states:

The applicant estimates that they will have only 4 employees (one of them operating a Case 721 wheel loader) to process up to 150 tons of material per day, every day; this assumption is not realistic when considering that a minimum of 60% of the material must be recovered from their proposed "floor sort" operation. Additionally, CUP condition #57 states, "Loose materials shall be baled, palletized or placed in containers within 24 hours of delivery to the site." A typical operation of this nature would require at least twice the number of total workers (8) and/or additional powered equipment to achieve the requisite diversion. The loader and sorters would also be expected to assist in cardboard handling up to 4 hours per day.

It is questionable why an experienced CDI operator would propose that 4 employees could manage such a volume and type of operation unless there was a necessity to minimize the number of employees in order to demonstrate adequate septic facility volume. Exhibit 3 at pp. 3-4.

Along similar lines, Dr. Pless notes that the 2009 TPR stated that 7.2 employees would be required for every 100 TPD of C&D and recyclables processing, but the 2010 application states that only 2.3 employees would be required for each 100 TPD of C&D and recyclables processing. See Exhibit 2. at p. 13, Table 1. Clearly, more employees will be required. These additional employees will increase all of the Project's impacts, including traffic and water usage. Most importantly, both Dr. Pless and TCM point out that the additional employees will overwhelm the facility's septic system, which may

cause sewage to overflow into the Petaluma River. The 2010 application is therefore inaccurate.

C. **There Is A "Fair Argument" That The New Project Has Significant New Impacts Not Analyzed in the 2005 MND**

There is a "fair argument" that the new Project may have significant adverse environmental impacts. Therefore, an EIR must be prepared to analyze and propose mitigation for those impacts. *CBE v. SCAQMD; Mejia*, 130 Cal.App.4th at 322; *Pocket Protectors*, 124 Cal.App.4th at 903.

1. **There is a Fair Argument of Generation of Nuisance Odors**

The BAAQMD CEQA Guidelines lists categories of projects that may have significant odor impacts if located within one mile of residences. The list includes, "Green Waste and Recycling Operations." (BAAQMD CEQA Guidelines, Table 3-3, page 3-4). There are several residences within one mile of the Novato Disposal property. Therefore, the facility may have significant adverse odor impacts that must be analyzed in an EIR, and mitigation measures imposed.

TCM explains that the Project may have significant odor impacts in excess of the Bay Area Air Quality Management Districts' ("BAAQMD") CEQA Guidelines. TCM states:

The potential odor impacts of the project have not been fully assessed or mitigated. Green waste materials – which the operator indicates will be collected with the CDI material and are planned to be stored onsite for up to 90 days – are commonly the source of significant odors, depending upon seasonal variation, collection frequency, and material handling procedures. The MND is absent on any discussion of potential green waste operations occurring with this project. In the Air Quality section of the Environmental Checklist, the discussion in Item 3e plainly states that "the materials brought to the site for sorting and compacting do not involve a significant amount of food, animal or plant waste, which would be the main contributor in the generation of objectionable odors." Clearly, the potential impacts of the receipt of green waste at the facility were not analyzed, as they were not anticipated, in the MND. Under the BAAQMD CEQA Guidelines, the project may have significant odor impacts on nearby residences since there are residences within less than one mile of the facility. An odor impact analysis is therefore required in a new CEQA document. Exhibit 3 at p. 6.

There appear to be 3 existing homes within 1000' of the Novato Disposal Project Site property, located on the west side of Hwy.101. There are many more existing residences within a 1-mile radius. A 1-mile radius includes hundreds of homes. For instance, a 1-mile radius extends westwardly from the Project Site to include the

intersection of Mountain View Ave. and Purrington Road, and northeasterly includes the Miwok Valley Elementary School, a trailer park on Lakeville Hwy (116) and hundreds of homes east of Lakeville Highway. This includes up to 1000 homes and other sensitive receptors. In addition, on August 2, 2010, the City of Petaluma approved a new 272 home KB Homes subdivision, called the Quarry Heights subdivision, on the site of the old Dutra quarry near the Petaluma River. This is also within one-mile of the Novato Disposal site, and is a reasonably foreseeable future project. Pursuant to the BAAQMD CEQA Guidelines, an EIR is required to analyze the odor impacts of the Novato Disposal Project on all of these current and reasonably foreseeable future receptors.

## 2. There is a Fair Argument of Stormwater Pollution Impacts

On or about April 7 and 8, 2010, PRC obtained documents from the Regional Water Quality Control Board showing that North Bay Corp. has violated the federal Clean Water Act on hundreds of occasions by illegally discharging pollutants into stormwater run-off, including lead, zinc, iron, copper, aluminum total suspended solids, COD, and other pollutants at its facilities at 3417 Standish and 3400 Standish in Santa Rosa and at 2543 Petaluma Blvd. in Petaluma. This illegal pollution is discharging into the Petaluma River and Laguna de Santa Rosa. The detailed discharge monitoring reports are attached as Exhibit S to our letter concerning the 3417 Standish Avenue facility. See Exhibit 11 at Exh. S.

The discharge reports prove that North Bay Corp. and its predecessors have on hundreds of occasions violated the federal Clean Water Act by discharging water containing pollutants in excess of the water quality standards and benchmarks promulgated by the State of California and the EPA at the Standish and Petaluma Blvd. locations. In every Annual Report submitted to the Regional Water Quality Control Boards since the 2005-2006 rainy season, up to the present, North Bay Corp.'s (and its predecessors) discharges show significant exceedances for multiple parameters, including at various times, lead, total suspended solids, chemical oxygen demand, aluminum, copper, iron, zinc, conductivity and other parameters. Self-monitoring reports are considered "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

TCM concludes that the proposed Project would exacerbate stormwater run-off problems since C&D creates stormwater hazards that are greater than and different in kind than metals or tires. TCM states:

Given the lack of dust mitigation and potential for unanticipated fire flow from the site, the project may have significant stormwater impacts, particularly given that the facility is already out of compliance with clean water act requirements. Exhibit 3 at p. 7.

In addition, TCM concludes that the Project is likely to overwhelm the facility's already problematic septic system. This could result in overflows of raw sewage to the Petaluma River. TCM states:

To reasonably operate this facility, the operator will need to increase the number of employees to 17 and can no longer demonstrate adequate septic facility volume. Exhibit F and G of the project description, regarding septic system capacity, indicate that the current project is estimated to generate 345 gallons/day to a system designed for 404 gallons/day. Each full-time employee is estimated to generate 15 gallons/day. An additional 4 employees would generate an additional 60 gallons/day causing the project to exceed septic capacity with 405 gallons/day. Overloading the septic system could undoubtedly have significant impacts on water quality. *Id.*

There is an already significant water quality impact that will only get worse with the proposed Project and that must be addressed in an EIR to identify effective mitigations. Clearly, mitigation measures already imposed by the County have been inadequate to stop thousands of ongoing and repeated violations of federal law. Allowing the North Bay Corp. facilities to expand further and to take a greater variety of waste will only exacerbate the ongoing violations of law. This is not allowed under CEQA. An EIR is required to analyze the Project's stormwater impacts and to propose effective mitigation measures that will stop the illegal water pollution.

As the California Supreme Court has stated, "[b]ecause an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR." *Laurel Heights Improvement Assoc. v. Regents of the Univ. of Calif.*, 47 Cal.3d 376, 420 (1988). The Applicant has a checkered history of stormwater violations that are not mentioned at all in the application materials. Indeed, the 2005 MND states that measures imposed will be adequate to mitigate stormwater impacts – a conclusion that is demonstrably false.

### **3. There is a Fair Argument of Significant Dust Impacts**

TCM and Dr. Pless conclude that the Project will have significant dust impacts, far greater than the previously permitted metal, plastic, paper and tire recycling facility. Metal and tire recycling generates very little dust. By contrast, C&D debris recycling generates large amounts of dust and dust clouds that can adversely affect air and water quality, as well as public and worker health. Novato Disposal suggests no measures to mitigate these impacts. As such, the Project may have significant dust impacts. TCM states:

Dust – Impacts from dust are inherent with the CDI materials unless proper mitigations are taken. This operator has failed to provide details regarding dust



control measures or mitigation measures at the proposed facility; no misting system or handheld hoses are proposed within the processing building, no dust masks or respirators for employees are planned. No air handling equipment that would keep dust within the building is mentioned. Exhibit 3 at p. 2.

Dr. Pless states:

The proposed operation would process up to 150 tpd of CDI. Compared to the prior materials processed at the facility, unloading, processing, and off-site delivery of CDI may result in considerably increased emissions of fugitive dust due to the varied and unpredictable composition of CDI. See Exhibit 2. at p. 10

Many of these materials when dumped from the CDI roll-off trucks onto the CDI processing floor area will generate considerable amounts of fugitive dust particulate matter that would rise up in clouds. (In addition, large amounts of fugitive dust may be generated by processing of material with a trommel screen. While the 2010 Application claims that there is "no sort line or Trommel screen proposed," the 2009 Transfer/Processing Report indicates otherwise. It shows a Trommel screen in the northeast corner of the CDI processing building. ) The fugitive dust generated during CDI processing may blow off site and drift into close neighborhoods and parks, impairing air quality and constituting a nuisance. The 2010 Application contains no information if or how this dust would be controlled. *Id.* at p. 11.

#### 4. There is a Fair Argument of Significant Fire Impacts

The proposed Project will create a fire risk far greater than the metal recycling facility currently permitted at the site. The Applicant has failed to present an adequate fire prevention plan, meaning that this impact remains significant and unmitigated. TCM explains:

Fire – Construction and demolition materials (particularly when commingled with green waste) represent a significant fire risk. Due the inherently increased fire risk, a fire plan is required to be submitted with the application package; in this project is absent and the project description contains little information regarding the operator's plans to prevent or manage a fire. Exhibit 3 at p. 2.

#### 5. There is a Fair Argument that the Project will Have Adverse Impacts by Reducing Waste Diversion

TCM explains that it will not be possible to achieve the industry standard 60% waste diversion with only 4 employees as described in the 2010 Application. Dr. Pless notes that the 2009 TPR indicated that 7.2 employees would be required for every 100 TPD of C&D and cardboard processing, but the 2010 Application indicated that only 2.3

employees would be required for each 100 TPD of C&D and cardboard processing. See Exhibit 2 at p. 13, Table 1. Dr. Pless concludes that this operation may therefore constitute a "sham [ operation." *Id.* at pp. 5-6. Dr. Pless concludes that it may not be possible to recycle any more than 35% of the incoming waste stream with only 4 employees, no sort line, and no trommel screen. *Id.* at pp. 5, 6, 10. Dr. Pless concludes that at best, without a sort line and other equipment, the Applicant would pick out a few large pieces of metal and some other high valuable materials with a clawed excavator and then send the rest to a landfill. *Id.* On a good day, they would probably have a 35% percent diversion rate by weight.

As a result, the Project will have adverse impacts on waste diversion. Companies that would otherwise send their C&D debris to legitimate recyclers that achieve higher diversion rates or better will instead send their debris to Novato Disposal, where only 35% will be diverted. The net result will be that additional debris will be land-filled rather than recycled. This will have adverse effects on county landfill capacity, increase truck traffic, and increase greenhouse gas impacts of the Project. An EIR is required to analyze this impact.

#### 6. There is a Fair Argument of Significant Cumulative Impacts

Even if the County were to find that 2543 Petaluma Blvd., 3400 Standish and 3417 Standish are not part of a single project (which they are), then the County has clearly ignored the cumulative impacts of the three projects taken together. The Applicant also ignored changed circumstances in the area – particularly a proposal from Dutra Asphalt Company to open a new facility almost adjacent to the proposed Novato Disposal Project. The Dutra application is currently pending before the County. The proposed Novato Disposal Project would have cumulative impacts with the "reasonably foreseeable" Dutra Project. An EIR is required to analyze these cumulative impacts.

##### a. Legal Standard for Cumulative Impacts.

An CEQA document must discuss a project's significant cumulative impacts. CEQA Guidelines section 15130(a). This requirement flows from CEQA section 21083, which requires a finding that a project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines section 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." CEQA Guidelines section 15355(a).

"The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." *Communities for a Better Environment v. Cal. Resources Agency* ("CBE v. CRA"), 103 Cal.App.4th 98, 117 (2002). A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." CEQA Guidelines § 15355(b).

As the court stated in *CBE v. CRA*, 103 Cal. App. 4th at 114:

Cumulative impact analysis is necessary because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.

In *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d at 718, the court concluded that an EIR inadequately considered an air pollution (ozone) cumulative impact. The court said: "The [ ] EIR concludes the project's contributions to ozone levels in the area would be immeasurable and, therefore, insignificant because the [cogeneration] plant would emit relatively minor amounts of [ozone] precursors compared to the total volume of [ozone] precursors emitted in Kings County. The EIR's analysis uses the magnitude of the current ozone problem in the air basin in order to trivialize the project's impact." The court concluded: "The relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin." The *Kings County* case was recently reaffirmed in *CBE v. CRA*, 103 Cal.App.4th at 116, where the court rejected cases with a narrower construction of "cumulative impacts."

Similarly, in *Friends of Eel River v. Sonoma County Water Agency*, (2003) 108 Cal. App. 4th 859, the court held that the EIR for a project that would divert water from the Eel River had to consider the cumulative impacts of the project together with other past, present and reasonably foreseeable future projects that also divert water from the same river system. The court held that the EIR even had to disclose and analyze projects that were merely proposed, but not yet approved. The court stated, CEQA requires "the Agency to consider 'past, present, and probable future projects producing related or cumulative impacts . . .'" (Guidelines, § 15130, subd. (b)(1)(A).) The Agency

must interpret this requirement in such a way as to 'afford the fullest possible protection of the environment.'" *Id.*, at 867, 869. The court held that the failure of the EIR to analyze the impacts of the project together with other proposed projects rendered the document invalid. "The absence of this analysis makes the EIR an inadequate informational document." *Id.*, at 872.

The court in *Citizens to Preserve the Ojai v. Bd. of Supervisors*, 176 Cal.App.3d 421 (1985), held that an EIR prepared to consider the expansion and modification of an oil refinery was inadequate because it failed to consider the cumulative air quality impacts of other oil refining and extraction activities combined with the project. The court held that the EIR's use of an Air District Air Emissions Inventory did not constitute an adequate cumulative impacts analysis. The court ordered the agency to prepare a new EIR analyzing the combined impacts of the proposed refinery expansion together with the other oil extraction projects.

**b. Cumulative Impact Analysis.**

**i. Novato Disposal and Dutra Will have Cumulative Impacts.**

For all of the reasons discussed above, the Novato Disposal Project and the Dutra project will have significant cumulative impacts that must be analyzed in an EIR and which the 2010 Application ignores entirely. The projects will be almost adjacent to each other, and will contribute to cumulative noise, odors, air pollution, traffic, diesel exhaust emissions, stormwater run-off, and many other impacts. Dr. Pless concludes that the Projects will be cumulatively significant with respect to air quality, dust, traffic, diesel exhaust and other impacts. Exhibit 2 at pp. 21-22

**ii. 3400 Standish, 3417 Standish and 2543 Petaluma Blvd. Will have Cumulative Impacts.**

The cumulative impacts of this Project on other solid waste disposal and processing facilities has gone unanalyzed. The County's own Department of Transportation and Public Works has explained that the proposed Project described in the TPR could result in all of its waste transfer facilities being put out of business, which would eliminate revenues needed to maintain, control and close waste facilities throughout the County. This would clearly have a significant county-wide environmental impact that must be analyzed under CEQA. *Bakersfield Citizens for Local Control v. Bakersfield*, 124 Cal. App. 4th 1184 (2004) (EIR required to analyze indirect environmental impact that proposed project may create by causing other established operations to go out of business). Such impacts were explained at length by the County of Sonoma Department of Transportation and Public Works in its May 13, 2009 letter concerning PLP08-0120 at 3417 Standish Avenue, submitted as Exhibit M to the

comment letter on the 3400 Standish Avenue facility, and attached hereto for ease of reference as Exhibit 9:

**Potential Environmental Impacts of the Project.** In order to understand the potential environmental impacts of the proposed project, it is critical to understand the current solid waste processing system in Sonoma County. Currently, the Department operates and manages the Central Landfill and the five (5) transfer stations: Healdsburg, Sonoma, Annapolis, Guerneville and Central. In addition, the Department maintains the seven (7) former landfills which have been closed: Occidental, Roblar, Airport, Annapolis, Healdsburg, Sonoma, and Guerneville. Currently, 270,000 tons per year of MSW is processed by the County at the five County-owned transfer stations. The County-owned facilities currently handle all "franchised waste" (waste that is picked up by a franchised or licensed hauler for disposal) for all cities within the county, except Petaluma, [\*See Note a] plus the unincorporated franchised waste. In addition to "franchised waste," there is also "self haul waste" (waste that is delivered directly by the waste generator) that is processed for disposal at the County facilities. The applicant's proposal assumes processing of 900 TPD of MSW (or 328,500 tons per year) which apparently is the same tonnage currently being processed by the County at the County facilities, plus an additional 58,500 tons of MSW per year coming from somewhere else. The project's assumption of all waste processing within the County would result in the County's facilities being unnecessary which would result in the County's transfer stations being closed.

b) **Water Quality** - The County's operations are entirely supported by "tipping" fees which are charged at the County-owned facilities. In addition to covering the costs of processing, transporting and disposing of the garbage, the "tipping" fee revenues also cover the cost of maintaining the seven closed landfills and all of the environmental controls that are in place at the Central Landfill. Since the County facilities will no longer be necessary under the proposed project, the County will not have a revenue stream to continue to maintain the closed landfills and the Central Landfill. This could result in potentially significant impacts to water resources within the vicinity of the former landfills and the Central Landfill due to the potential for offsite migration of contaminants.

(h) **Land Use and Planning** - Since the project would replace the existing County-owned system, the project application needs to describe how it would impact the County's current diversion rate and goals. Currently, the Sonoma County Waste Management Agency (Agency) operates the composting program and the household hazardous waste (HHW) program at the Central Disposal Site. The County will no longer have revenues to keep the site open. In addition, the Agency will no longer be able to collect its Agency fee on waste at the County-owned facilities which means it will no longer have revenues to run any of its programs. Although the proposed project discusses the potential increased

diversion that could be accomplished with the project, it is unclear when or if the additional diversion will actually happen. The project should also discuss the impacts on the Agency's composting and HHW program.

\*Note a: It should be noted that MSW generated from the city limits of Petaluma is currently being disposed of at the Redwood Landfill in Novato. It should also be noted that the project applicant recently purchased the franchise licensed operations for the city of Petaluma which could account for 30,000 tons per year of MSW being processed at the applicant's facility. Exhibit 9 at pp. 2-5.

D. The Application Uses a Legally Erroneous CEQA Baseline

1. The CEQA Baseline

Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. *Communities for a Better Environment v. So Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA:

"...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant."

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 ("Save Our Peninsula.")

The Supreme Court held this year that the CEQA baseline is **not** the maximum permitted limit, but rather, the actual level of operations. *Communities for a Better Environment v. So Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 322. The Supreme Court explained:

Like an EIR, an initial study or negative declaration "must focus on impacts to the existing environment, not hypothetical situations." (*County of Amador v. El Dorado County Water Agency*, 76 Cal.App.4th at p. 955.)

An approach using hypothetical allowable conditions as the baseline results in "illusory" comparisons that "can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts," a result at direct odds with CEQA's intent. (*Environmental Planning & Information Council v. County of El Dorado*, 131 Cal. App. 3d at p. 358.) The District's use of

the prior permits' maximum operating levels as a baseline appears to have had that effect here, providing an illusory basis for a finding of no significant adverse effect despite an acknowledged increase in NOx emissions exceeding the District's published significance threshold.

As the court has explained, using a baseline based on maximum permitted operations, "mislead(s) the public" and "draws a red herring across the path of public input." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711.)

## **2. The Application Uses the Wrong Baseline**

Novato Disposal's 2010 Application uses the wrong CEQA baseline throughout. The Application uses the maximum permitted level of operations from the 2005 MND, rather than the actual level of operation as the baseline. This is clearly erroneous in light of the recent *CBE v. SCAQMD* case. In that case, the Supreme Court held that the CEQA baseline for a new diesel fuel project at the Conoco refinery was not the maximum permitted level from years past, but rather the actual level of operations.

In this case, Novato Disposal uses the maximum permitted level of operations from 2005 of 500 TPD and 191 vehicle trips per day. However, it appears that Novato Disposal has never reached that high level of operations. That hypothetical permitted level is therefore not the CEQA baseline.<sup>7</sup> Instead, the actual level of operation is the baseline. The Application does not even state what the actual level of operations has been at the time the Application was filed. The information necessary to calculate the baseline is therefore absent and the document is inadequate under CEQA.

The Application suffers from this fundamental error throughout. It therefore underestimates all of the proposed Project's impacts by comparing the Project not to the actual environment, but rather to the maximum permitted operation level. This renders the documents misleading and inadequate under CEQA.

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<sup>7</sup> The sole exception to using the actual environment as the CEQA baseline is when the project proponent proposes to complete the exact same project that was approved in the past, and build it out only to the level that was previously permitted and subjected to CEQA analysis. (See, *Committee for a Progressive Gilroy v. State Water Resources Control Bd.* (1987) 192 Cal. App. 3d 847, 862-865 (restoration of a sewage treatment plant's operation to the originally approved level was the continued operation of an existing facility and did not require supplemental CEQA analysis)) Thus, if Novato Disposal proposed to increase the operations of its tire and metal operation to 500 TPD, it could do so without further CEQA review. However, since it proposes an entirely new and different project, the CEQA baseline is the actual environment at the time of the project proposal.

V. THE APPLICANT UNLAWFULLY HAS FAILED TO OBTAIN A NEW USE PERMIT FROM PRMD

The current use permit for the Novato Disposal facility provides that:

The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The Applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. The director of PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by the Director of PRMD are limited to those items that were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from the Director, and shall not affect the original permit approval date or the term for expiration of the permit.

Despite this, no permit modification has been issued by the Director of PRMD as required by the permit. Furthermore, the proposed C&D recycling facility is not a "minor adjustment," but is instead a completely different project requiring an entirely new permit. Finally, Novato Disposal has not made any of the factual showings required for a permit modification, namely that: (1) there have been "unforeseen field constraints," (2) "that the goals of these conditions can be safely achieved in some other manner," (3) that the "condition(s) is infeasible due to specific constraints (e.g. lack of property rights)", and (4) "a proposed alternative measure or option to meet the goal or purpose of the condition." Therefore, the County may not approve the proposed Project.



Petaluma River Council  
Comments on Novato Disposal CDI Processing Facility at 2543 Petaluma Blvd. South  
August 18, 2010

**CONCLUSION**

There is a "fair argument" that the Project may have significant adverse environmental impacts both individually and cumulatively. An EIR should therefore be prepared under CEQA to fully analyze these impacts and propose feasible measures to mitigate those impacts. The EIR must analyze the "whole project," including the already proposed 2,000 ton per day facility proposed to be operated by the Applicant at three separate locations. Until the EIR is completed, no permits or authorizations may be granted for any portion of the single integrated project.

Thank you for considering these comments. Please put the undersigned on the mailing list for the Project and should you have any questions or need more information, please contact Richard Drury at 510-836-4200, or [Richard@lozeaudrury.com](mailto:Richard@lozeaudrury.com).

Sincerely,

*/s/ Richard T. Drury*  
Richard Drury

  
Christina Caro for Richard Drury

# EXHIBIT B

**Pless Environmental, Inc.**

440 Nova Albion Way, Suite 2  
San Rafael, CA 94903  
(415) 492-2131 voice  
(815) 572-8600 fax

**BY EMAIL**

August 14, 2010

Richard Drury  
Lozeau | Drury LLP  
1516 Oak Street, Suite 216  
Alameda, CA 94501

*Re: Review of Novato Disposal Services, Registration Permit Application submitted to Sonoma County Environmental Health Services on July 5, 2010*

Dear Mr. Drury,

Per your request, I have reviewed the application submitted by Novato Disposal Services, Petaluma ("Applicant"), to the Sonoma County Environmental Health Division ("Division") as the local enforcement agency ("LEA") for operating a solid waste recycling and transfer facility pursuant to a registration permit for processing of construction and demolition debris and inert debris ("CDI") and source-separated cardboard at 2543 Petaluma Boulevard South in Petaluma ("2010 Application")<sup>1</sup> and related documents.

My qualifications as an environmental expert include a doctorate in Environmental Science and Engineering ("D. Env.") from the University of California Los Angeles. In my professional practice, I have reviewed and commented on hundreds of CEQA documents including for several materials recycling and transfer facilities. My résumé is attached to this letter.

**Background**

The 2543 Petaluma Boulevard South site is located in an industrial area of unincorporated Sonoma County, adjacent to Redwood Highway (Highway 101) and southeast of the Petaluma City boundary.<sup>2</sup> The Applicant currently operates a light processing recycling facility on the 5.4-acre site.

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<sup>1</sup> Novato Disposal Services, Registration Permit Application submitted to Sonoma County Environmental Health Services, July 5, 2010; hereafter "2010 Application."

<sup>2</sup> 2010 Application, p. 2.

The facility and the operator have a troubled permitting history. Initially, the site was permitted in 1986 with Use Permit and Design Review Permit UP/DRC-68-430 to establish a truck storage and repair yard for a waste hauler on the northern half of the site and Use Permit modification UP 88-005 for a caretaker unit on the property (no longer present). As a requirement of the original Design Review Permit, the Applicant agreed to install landscaping along the perimeter of the site to provide visual screening. In 2005, the County concluded that based on a site inspection and review of the Conditions of Approval for Use Permit and Design Review Permit UP/DRC-68-430, the Applicant had not complied with the landscaping agreement. Further, the Applicant expanded the operations onto the southern half of the lot to include a fully operational light processing recycling facility with sorting, storage, and transfer without County approvals.<sup>3</sup> In an effort to legalize the operation, the County initiated environmental review under the California Environmental Quality Act ("CEQA") and analyzed the potential environmental impacts of the operation in a Mitigated Negative Declaration in 2004<sup>4</sup> (hereafter "2004 MND"). The 2004 MND and the current Use Permit (PLP02-0072) were adopted by the Sonoma County Board of Supervisors on February 10, 2005 with Resolution No. 05-05-0134.<sup>5</sup>

The current Use Permit (PLP02-0072) authorizes sorting and transfer of up to 500 tons per day ("tpd") of recyclable materials, a customer buy-back station, equipment and maintenance facilities, ancillary storage, above ground fuel tank storage, and storage for portable toilet rentals. The current Use Permit authorizes construction of several new structures including a spray paint booth, metal and tire recycling building, renovated truck repair facility, and canopies over the recycling area.

The proposed Use Permit would authorize 150 tpd CDI processing and 24 tpd source-separated cardboard processing and would eliminate the single-stream processing, public buy-back, tire recycling (except tires from the onsite fleet), portable toilet operation, and the fuel island and fuel activities. The fuel tanks have been removed under permit.<sup>6</sup> According to the 2010 Application, hours of operation would be limited to Monday through Saturday from 4:00 a.m. through 6:00 p.m. and Sunday from 9:00 a.m. through 4:00 p.m.<sup>7</sup>

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<sup>3</sup> County of Sonoma, Permit and Resource Management Department, Planning Commission, File: PLP02-0072, January 20, 2005 (hereafter "2005 Staff Report"), p. 2.

<sup>4</sup> County of Sonoma, Permit and Resource Management Department, Mitigated Negative Declaration, File No.: PLP02-0072, Project Name: Novato Disposal, August 14, 2004.

<sup>5</sup> County of Sonoma, Board of Supervisors, Resolution No. 05-05-0134, Re: PLP02-0072, February 8, 2005, Exhibit A: Draft Conditions of Approval, pp. 1 and 8.

<sup>6</sup> 2010 Application, pp. 2 and 5.

<sup>7</sup> 2010 Application, cover page.

The Applicant, Novato Disposal Services, is a wholly owned subsidiary of North Bay Corporation. North Bay Corporation owns and operates nine recycling facilities in Sonoma County and three in Marin County through its subsidiaries Santa Rosa Recycling and Collection, Redwood Empire Disposal, Novato Disposal, Petaluma Refuse and Recycling, Rohnert Park Disposal, Windsor Refuse and Recycling, as shown in Figure 1.

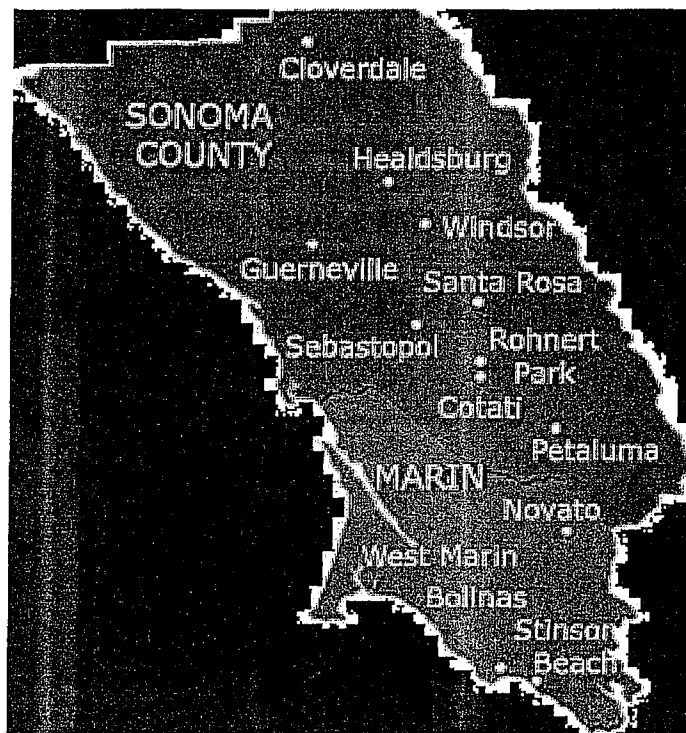


Figure 1: Location of North Bay Recycling Facilities  
(from North Bay Corporation/Redwood Empire Disposal; <http://unicycler.com>)

## Comments

As discussed in my comments below, the operation under the proposed Use Permit is an entirely different operation than the existing permitted operation under the current Use Permit and would result in entirely different and potentially more severe impacts on the environment. Therefore, the operation under the proposed Use Permit constitutes a project under CEQA (hereafter "Project") that must be subjected to environmental review. Further, contrary to the 2010 Application's conclusions, there is a fair argument that the Project may result in significant adverse impacts on air quality which require analysis and mitigation under CEQA.

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## I. The Project Description Is Inadequate

The project description presented by the 2010 Application is entirely inadequate to assess potential impacts associated with the Project and the Applicant's claim that the proposed operations would not result in any significant impacts on the environment that were not previously analyzed. Missing or incomplete information includes, for example:

- Figure 5 (schematic floor plan for 19,200 square foot CDI processing building ("Building K") showing CDI processing area);<sup>8</sup>
- Building drawings showing elevations from all sides;
- Building specifications, *e.g.*, number and type of doors, siding material, siding color, etc.;
- A description of control equipment that would be installed in processing building such as misters, baghouses, negative air pressure, etc., if any;
- The site plan is missing a scale (Figure 4);
- A description of the historic throughput (*e.g.*, average 5-year ) at the site of single-source recyclables, cardboard, and other materials processed is not provided;
- Support for assumed 60% recycle/reuse rate for CDI and 95% recycle rate for source-separated cardboard and information on whether percentage is based on volume or weight; and
- Support for assumptions of material density for CDI and cardboard on trucks, on the floor, and processed on trucks.

Further, the 2010 Application claims that the Project would have a 60% recycle/reuse rate for CDI.<sup>9</sup> The 2010 Application claims that this diversion rate would be achieved with four employees, which would also process 24 tpd of source-separated cardboard,<sup>10</sup> and would involve neither a sort line nor a trommel screen.<sup>11</sup> These assumptions appear to be unrealistic and mutually exclusive. First, it is unlikely that only four employees are able to process 150 tpd of CDI and 24 tpd of source-separated cardboard at the specified recycling rates, particularly, if there is no sort line or other equipment involved.<sup>12</sup> If indeed there are only four employees on the floor, it likely that after the CID gets dumped on the processing floor, a clawed excavator would remove the biggest and most valuable chunks of metal and the

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<sup>8</sup> See 2010 Application, p. 3.

<sup>9</sup> 2010 Application, p. 4 and Note to Table 1, p. 4.

<sup>10</sup> 2010 Application, p. 8.

<sup>11</sup> 2010 Application, p. 6.

<sup>12</sup> See Letter from Evan Edgar, Total Compliance Management to Christine Sosko, County of Sonoma, Department of Health Services, Re: Comments Re: Solid Waste Facilities Permitting for Novato Disposal CDI Processing Facility at 2543 Petaluma Boulevard South, Petaluma, California, July 26, 2010.

biggest pieces of wood — by weight maybe 35% of the load — and then pack the residual on transfer trailers for landfilling. Thus, the proposed 60% recycle/reuse rate for CDI would not be achieved. This type of recycling operation is commonly referred to as a “sham operation.

## **II. The Proposed Operation Is Substantially Different from the Permitted Operation Analyzed in the 2005 Mitigated Negative Declaration and Constitutes a New “Project” under CEQA that Must Be Adequately Analyzed**

As discussed in Comments and II.B below, the operation of the facility under the proposed Use Permit is substantially different from the operation that was analyzed in the 2005 MND and is permitted under the current Use Permit (PLP02-0072). The 2010 Application fails to recognize that this change in operations constitutes a “project” under CEQA that requires environmental review.

The CEQA Guidelines define a “project” as:

... an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

- (a) An activity directly undertaken by any public agency.
- (b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- (c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.<sup>13</sup>

Here, the proposed operations involve the issuance to a person of a permit by one or more public agencies and, as discussed in the following comments, may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Therefore, the proposed operations must be analyzed as a new project under CEQA.

### **II.A The Proposed Operation Would Require New Construction in Excess of Previously Permitted Structures**

The current Use Permit (PLP02-0072) for the facility permitted construction of a 12,600-square foot metal building in the northeast corner of the site, a 1,200-square foot canopy over the vehicle wash area, a 900-square-foot canopy over the truck maintenance area, and a

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<sup>13</sup> See Public Resources Code §21065 and 14 California Code of Regulations §15378.



5,000-square foot canopy over the recycle sorting bunkers.<sup>14</sup> The schematic site plan included in the 2005 Staff Report for the 2004 MND for the facility shows the currently approved layout of the site.<sup>15</sup> (See Figure 2.)

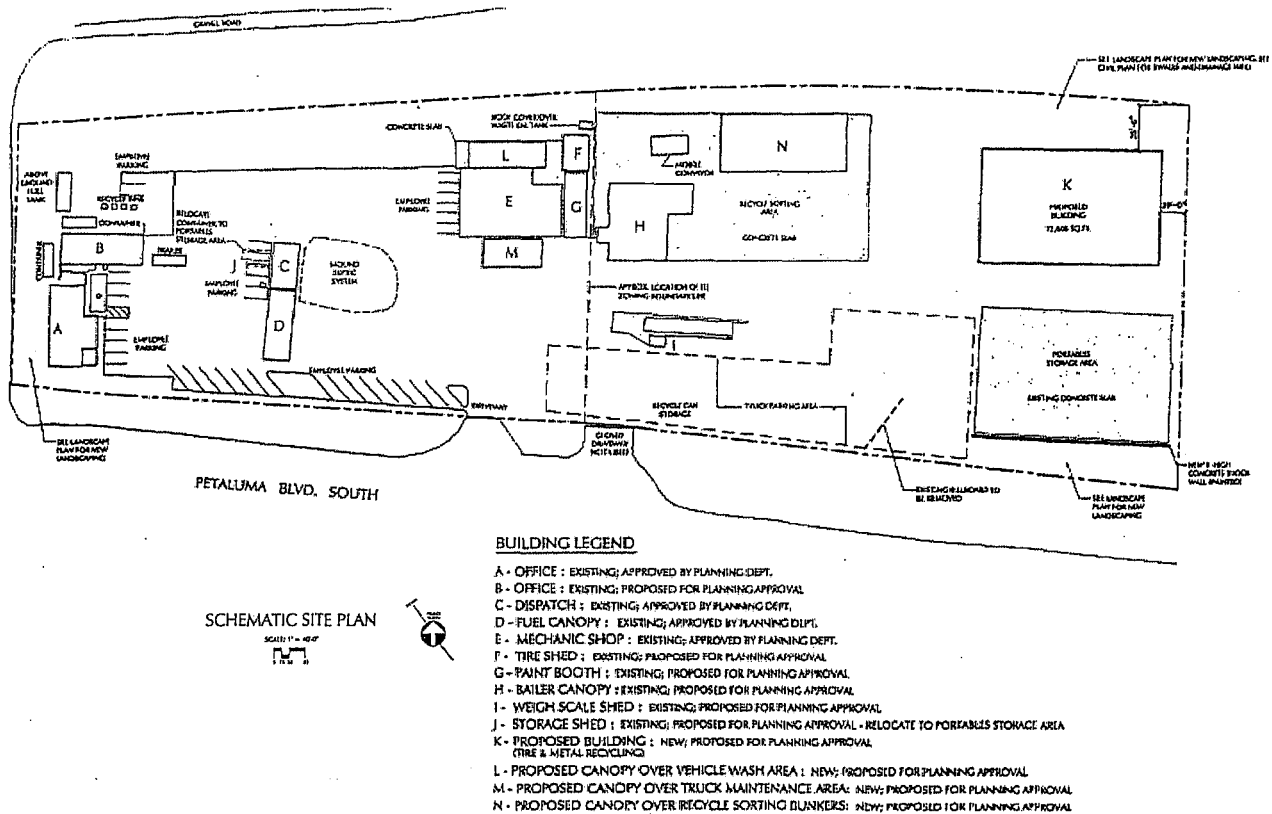


Figure 2: 2005 Schematic Site Plan for Novato Disposal Services, Petaluma  
(from 2005 Staff Report, Exhibit F: Plans)

The Conditions of Approval for the current Use Permit (PLP02-0072) require that the facility “shall be operated in accordance with the proposal statement and site plans dated June 2003 located in File Number PLP02-0072 as modified by these conditions.”<sup>16</sup> In addition, the Conditions of Approval mandate that all loose recycled materials “shall be covered and enclosed within a structure with the exception of the baler, which shall be open on the south and east facing elevations.”<sup>17</sup> Further, the Conditions of Approval mandate that “[a]ll vehicle,

<sup>14</sup> County of Sonoma, Resolution No. 05-05-0134, February 10, 2005, Exhibit A: Draft Conditions of Approval, p. 9; hereafter “current Use Permit.”

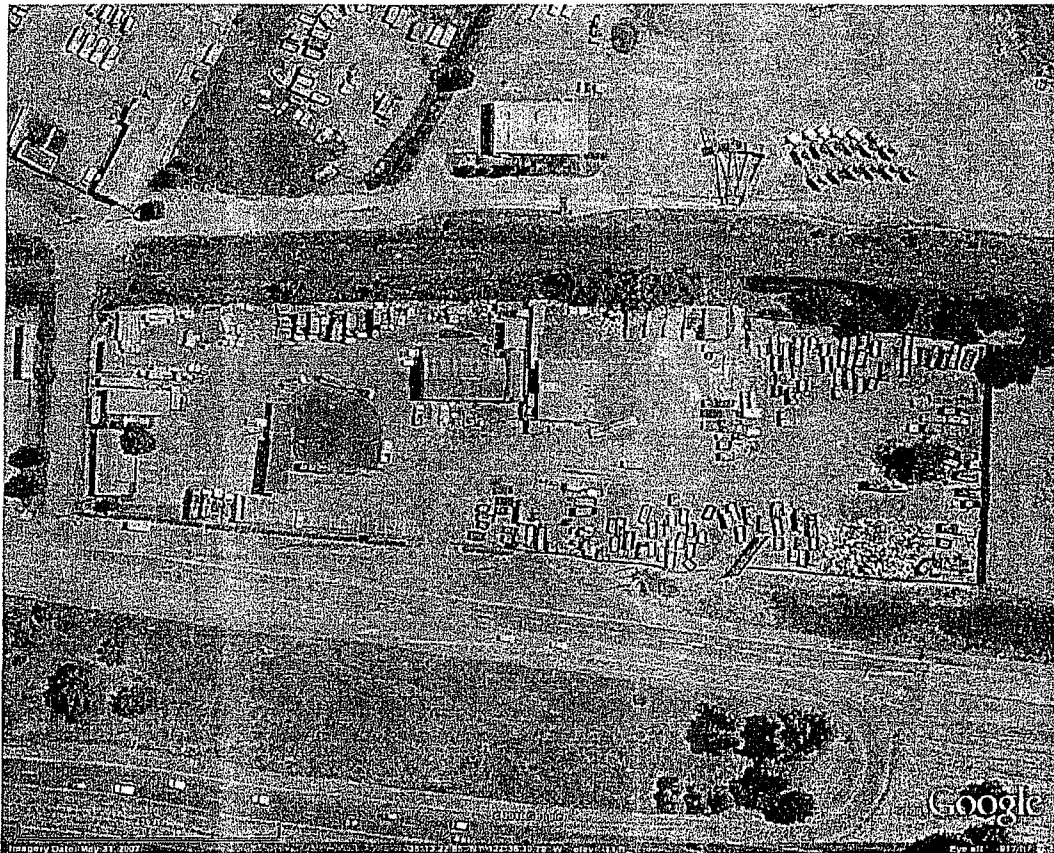
<sup>15</sup> County of Sonoma, Planning Commission, Staff Report, File PLP02-0072, Re: General Plan Amendment, Zone Change, Use Permit and Design Review Permit, January 20, 2005; hereafter “2005 Staff Report.”

<sup>16</sup> Conditions of Approval, No. 54, p. 9.

<sup>17</sup> Conditions of Approval, No. 55, p. 9.

truck and container washing shall occur within the vehicle washing structure.”<sup>18</sup> It appears that the Applicant did not comply with and has been operating in violation of these Conditions of Approval.

As of May 31, 2007, more than two years after approval of the current Use Permit (PLP02-0072), neither the permitted 12,600-square foot building (Legend K in Figure 2) nor the three permitted canopies (Legends L, M, and N in Figure 2) had been constructed, as shown in the Google Earth view in Figure 3 below.



**Figure 3: May 31, 2007 Google Earth view  
of Novato Disposal Services, 2543 Petaluma Boulevard South, Petaluma**

Now, 5 years after approval of the current Use Permit (PLP02-0072), the 2010 Application requests construction of a 19,200-square foot building (Legend K in Figure 2 and in Figure 4 below) to house the CDI processing at the location of the previously permitted 12,600-square foot building.<sup>19</sup> Other proposed new structures include the previously permitted

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<sup>18</sup> Conditions of Approval, No. 61, p. 10.

<sup>19</sup> 2010 Application, p. 3.

canopies over the vehicle wash area and over the recycling sorting bunkers (Legends L and N in Figure 2 and in Figure 4 below).<sup>20</sup> The canopy over the truck maintenance area (Legend M in Figure 2 and Figure 4 below) appears to have been eliminated. (See Figure 4.)

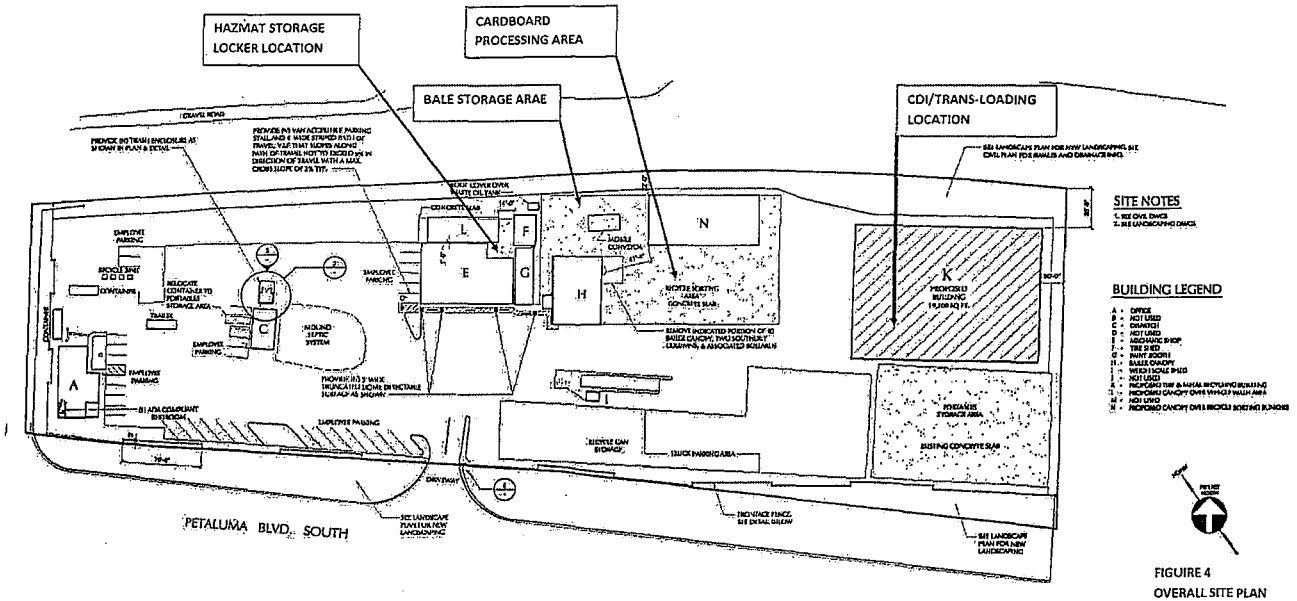


Figure 4: 2010 Schematic Site Plan for Novato Disposal Services, Petaluma  
(from 2010 Application, Figure 4)

Clearly, the Applicant never constructed any of the structures that were permitted under the current Use Permit (PLP02-0072) and, in the interim, has been operating in violation of the Conditions of Approval which required their construction to minimize dust, odor, and noise impacts. Now, the Applicant proposes a substantially different facility requiring a considerably larger building (proposed 19,200 square feet *vs.* currently permitted 12,600 square feet). This larger processing building has not been analyzed in the 2004 MND. Thus, the proposed operations including construction of new structures must undergo CEQA review.

**II.B The Proposed Operation Would Process Substantially Different Materials and May Result in Adverse Impacts on Air Quality, Global Climate Change, Traffic, and Landfill Capacity**

As discussed in the following comments, the proposed operation would process substantially different materials that would result in increased emissions of criteria pollutants including fugitive dust and greenhouse gas emissions. Further, the proposed operation has the potential for odor impacts.

<sup>20</sup> 2010 Application, Figure 4.

*II.B.1 Increased Diversion of Materials to Landfills*

As discussed above, the claim by the 2010 Application that the Project would have a 60% recycle/reuse rate for CDI<sup>21</sup> achieved with only four employees, which would also process 24 tpd of source-separated cardboard<sup>22</sup> and without either a sort line or a trommel screen<sup>23</sup> is unrealistic. With only four employees on the floor and no sorting equipment other than an excavator, it is not likely that the Applicant would recycle more than 35% by weight of the CDI, with the residual 65% being landfilled. As a result, the facility may divert CDI away from other existing legitimate facilities with higher recycling rates. That means that an additional waste stream would be landfilled that would otherwise have been recycled. This would have adverse impacts on landfill capacity as well as adverse impacts on air quality and global climate change, traffic, and others.

*II.B.2 Increased Fugitive Dust Emissions*

The proposed operation would process up to 150 tpd of CDI. Compared to the prior materials processed at the facility, unloading, processing, and off-site delivery of CDI may result in considerably increased emissions of fugitive dust due to the varied and unpredictable composition of CDI.

CDI is a very heterogeneous waste stream and can contain a large number of different materials, including:

- Lumber and wood, dimensional lumber & shapes, wood shavings, wood dust, plywood, particleboard, oriented strandboard, wood products, painted wood (including lead paint), pressure-treated wood, wood composites, pallets/spools/reels, pressboard/chipboard, range of composite materials;
- Gypsum wallboard (mainly gypsum with paper backing);
- Roofing material (including roofing felt, asphalt or fiberglass roofing shingles, and foam roofs);
- Siding material including wood and plastic, windows, doors;
- Carpeting and floor coverings, carpet padding, window coverings, ceiling tiles, asbestos tiles;
- Heating, ventilating, and air conditioning systems and their components, electrical equipment, electrical fixtures (metal, light tubes/bulbs, ballasts, fluorescent lights), electrical wiring, electrical switches, rubber hosing/conduits, plumbing systems, plastic pipe;
- Appliances, equipment, furnishings, and fixtures;

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<sup>21</sup> 2010 Application, p. 4 and Note to Table 1, p. 4.

<sup>22</sup> 2010 Application, p. 8.

<sup>23</sup> 2010 Application, p. 6.

- Tools and building materials, corrugated shipping containers, cardboard and other packaging materials, plastic sheet film, shrink wrapping, discarded paint brushes, plastic buckets/containers with residues, tires (some with wheels);
- Concrete (including fiberglass, wire mesh or steel reinforcing bar embedded in the concrete), fully cured asphalt, brick, cinder block masonite/slate, slag, plaster, ceramics, porcelain, including bathroom fixtures, clay and clay products;
- Metal work, metal-ferrous, metal-nonferrous, glass, fiberglass, insulation (fiberglass, mineral wool, treated cellulose, insulation-sheathing);
- Plant materials, high organic based fractions; and
- Dirt/earth, primary inert fractions, treated industrial wastes and de-watered bentonite-based drilling mud.<sup>24,25</sup>

Many of these materials when dumped from the CDI roll-off trucks onto the CDI processing floor area will generate considerable amounts of fugitive dust particulate matter that would rise up in clouds. (In addition, large amounts of fugitive dust may be generated by processing of material with a trommel screen. While the 2010 Application claims that there is "no sort line or Trommel screen proposed," the 2009 Transfer/Processing Report indicates otherwise. It shows a Trommel screen in the northeast corner of the CDI processing building.<sup>26</sup>) The fugitive dust generated during CDI processing may blow off site and drift into close neighborhoods and parks, impairing air quality and constituting a nuisance. The 2010 Application contains no information if or how this dust would be controlled.

There are numerous best management practices ("BMPs") and air pollution controls available that would minimize fugitive dust, criteria pollutant and greenhouse gas emissions from the proposed CDI recycling operation. For example, the Massachusetts Department of Environmental Protection recommends the following BMPs for reducing emissions from construction and demolition ("C&D") processing facilities the size of the Project (150 tpd of C&D):

Buildings:

- Fully enclosed building and waste handling areas
- Doors: automatic doors, secondary enclosures (hanging plastic "curtains" at doors)

Air pollution control devices:

- Completely enclosed conveyor belts for materials that may blow around or result in dust nuisances
- Water misting systems in waste unloading area

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<sup>24</sup> Final Text of Construction and Demolition and Inert Debris Processing Tiered Regulations, Title 14: Natural Resources, Division 7: California Integrated Waste Management Board, Chapter 3.0: Minimum Standards for Solid Waste Handling and Disposal, Article 4: Definitions, July 10, 2003; *emphasis* added.

<sup>25</sup> <http://www.recycledddebris.com/rCDd/Resources/Documents/CSNCharacterizationCDWasteUS.pdf>.

<sup>26</sup> See 2009 Transfer/Processing Report, Figure 5, p. 7; *emphasis* retained.

- Negative air pressure: exhaust fans and filters
- Baghouse when dust and odors cannot be adequately contained through other measures

Equipment:

- Controls on exhaust equipment
- Retrofitting diesel powered vehicles or engines with oxidation catalysts and particulate traps
- Purchasing new, low-emission diesel engines
- Purchasing alternative fuel or low-emission equipment
- Use of electrically powered motors
- Minimize idling of equipment by turning off engines when not in use

Site:

- Paved access roads, parking areas, and handling area
- Street sweeping as necessary
- Wheel washing to prevent tracking of material off the site and onto adjacent streets

Stockpile or storage areas:

- In building or 3-sided, covered storage bunker<sup>27</sup>

All these BMPs are equally applicable and feasible here and should be required for the Project's CDI processing operations. To limit fugitive dust emissions, the CDI operations should be in an enclosed building with a forced air ventilation system that utilizes negative air pressure to force air away from the entrance and out through a building filtration system. The filtration system should have a particulate control component to collect dust particles and a component to limit odor emissions.

*II.B.3 Odor Impacts*

The 2010 Application does not address the potential for odor generation from processing CDI. As discussed in more detail in Comment V, there is a fair argument that the proposed operation would result in objectionable odors and adversely impact sensitive receptors in the vicinity.

**III. The Project Is Part of a Larger Project which Must Be Subjected to CEQA Review to Avoid Improper Piecemealing**

CEQA forbids "piecemeal" review of the significant environmental impacts of a project, defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably indirect physical change in the environment..."<sup>28</sup> Here, the proposed changes in operation at the 2543 Petaluma Boulevard

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<sup>27</sup> Massachusetts Department of Environmental Protection, Office of Research and Standards and Bureau of Waste Prevention, Interim Risk-Evaluation Guidance Document for Solid Waste Facility Site Assignment and Permitting in Support of 310 CMR 16.00 & 19.000, June 8, 2001; <http://snipurl.com/10hggw>.

<sup>28</sup> CEQA Guidelines, Section 15378(a).

South site addresses only a small portion of a considerably larger project and is, thus, impermissibly piecemealed for purposes of CEQA review.

**III.A The 2009 Transfer/Processing Report Demonstrates that the Applicant Is Planning a Much Larger Project than Described in the 2010 Application**

In December 2009, the Applicant prepared and submitted to the LEA a Transfer/Processing Report under Title 14 of the California Code of Regulations ("CCR"), Section 18221.6, for the 2543 Petaluma Boulevard South facility.<sup>29</sup> This 2009 Transfer/Processing Report demonstrates that the Applicant is planning to operate the facility at a considerably higher permitted capacity than requested in the 2010 Application: up to 250 tpd of CDI and up to 120 tpd of single-stream recyclables.<sup>30</sup> As a result, the information contained in this Transfer/Processing Report is substantially different than the information presented in the 2010 Application. Table 1 summarizes the key differences:

**Table 1: Comparison of information contained in 2009 Transfer/Processing Report and 2010 Application**

| Parameter                      | 2009 Transfer/Processing Report   | 2010 Application  |
|--------------------------------|---|---|
| <u>Facility capacity</u>       |   |   |
| Permitted                      | 250 tpd CDI<br>120 tpd single-stream recyclables                        | 150 tpd CDI<br>24 tpd cardboard                                       |
| Design                         | 420 tpd CDI<br>256 tpd single-stream recyclables                        | 420 tpd CDI<br>256 tpd single-stream recyclables                      |
| <u>Operating hours</u>         | 24 hours/day  | Monday-Saturday 4:00 a.m. – 6:00 p.m.<br>Sunday 9:00 a.m. – 6:00 p.m. |
| <u>Public tipping</u>          | Self-haulers with accounts, e.g., roofers, gardeners, contractors, etc. | none  |
| <u>Employees</u>               |   |   |
| Processing (CDI + recyclables) | 7.2 employees/100 tpd<br>(18 employees/250 tpd)                         | 2.3 employees/100 tpd<br>(4 employees/174 tpd)                        |
| Office staff                   | 4 employees   | 5 employees   |
| <u>Truck capacity</u>          |   |   |
| CDI                            | 4 tons/truck  | 3.5 tons/truck  |
| Residue                        | 4.8 tons/roll-off truck   | 20 tons/trailer   |
| Recycled CDI materials         | 21 tons/truck   | 4.2 tons/truck  |
| <u>Processing equipment</u>    |   |   |
| Trommel screen                 | Screen U.S.A. Box 810 or equivalent                                     | None  |
| Baler                          | Enterprise  | Cranston  |

Clearly, the operation proposed in the 2009 Transfer/Processing Report is considerably larger than the operation proposed in the 2010 Application and would require considerably more employees and vehicle trips. The LEA may not issue a permit for only a portion of a

<sup>29</sup> North Bay Corporation, Novato Disposal Services, CDI Processing and Recyclables Transfer Facility, Transfer/Processing Report, December 2009; hereafter "2009 Transfer/Processing Report."

<sup>30</sup> 2009 Transfer/Processing Report, p. 3 and Tables 2 and 3, p. 12.

clearly foreseeable larger operation and then later revise the Use Permit without subjecting the entire anticipated future capacity of 370 tpd to CEQA review now.

### **III.B The 2543 Petaluma Boulevard South Facility Is Part of the Applicant's Expansion Plans for its Santa Rosa Material Recovery Facilities**

In addition to the 2543 Petaluma Boulevard South facility, several of the Applicant's Santa Rosa facilities are currently undergoing permitting and/or CEQA review. These include the materials recovery facility ("MRF") at 3400 Standish Avenue and the MRF at 3417 Standish Avenue.<sup>31</sup> The Applicant intends to jointly operate these facilities.

The 2010 Application claims that no material would be taken from the 2543 Petaluma Boulevard South facility to the Standish Avenue facilities or any other North Bay facility.<sup>32</sup> Yet, the 2009 Transfer/Processing Report reveals that "... the majority of the comingled [sic] recyclables received will be loaded into transfer trucks and delivered to..." the Santa Rosa facilities for processing.<sup>33</sup>

Clearly these facilities do not operate independently of each other and would operate as a single project within the meaning of CEQA and must, therefore, be reviewed as one project. Thus, the Project is impermissibly piecemealed and CEQA analysis of the construction and changes in operation at all three MRF facilities must be conducted.

### **IV. There Is a Fair Argument that the Proposed Operation Would Result in Increased Emissions of Criteria Pollutants, Carcinogenic Diesel Particulate Matter, and Greenhouse Gases**

Contrary to the claim by the 2010 Application, that the proposed operation would result a decrease in emissions of criteria pollutants, carcinogenic diesel particulate matter, and greenhouse gases, my comments below demonstrate that the proposed operation would increase traffic and associated emissions as well as on-site emissions of fugitive dust.

#### **IV.A The 2010 Application Compares the Potential Environmental Impacts of the Proposed Operation to an Improper Baseline**

The 2010 Application does not discuss the potential requirement for CEQA review but states that the reduction of total material processed from the previously permitted 500 tpd to the requested 150 tpd CDI and 24 tpd cardboard would "lessen" "any impacts on the

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<sup>31</sup> See County of Sonoma, Permit Resources Management Department, Permit History for 3417 Standish Avenue, as of May 04, 2010; <http://snipurl.com/vvpkm> [prmd\_sonoma-county\_org].

<sup>32</sup> 2010 Application, p. 4.

<sup>33</sup> 2009 Transfer/Processing Report, p. 11.



environment identified in the [2004] MND ... significantly beyond the mitigations."<sup>34</sup> However, the previously permitted capacity of 500 tpd of materials is not the proper baseline to compare the Project's potential environmental impacts to. The facility never operated at the permitted 500 tpd capacity.

As discussed above, the proposed operation is a different project for CEQA purposes than the one that had been previously permitted and analyzed in the 2004 MND. The Applicant is not proposing to complete construction of the exact same project that had been permitted by the current Use Permit but rather proposes an entirely different project. The majority of case law establishes that the baseline is the actual environment, not the maximum permitted condition, unless that maximum permitted condition went through CEQA review and the proponent is constructing the *same* project that went through review. When, as here, a prior project never came to fruition, and the proponent now proposes a different project, the proper baseline consists of the actual conditions at the facility. Therefore, since the Applicant now proposes a new project, the baseline for assessing impacts must be the actual environment, not the maximum permitted condition that was never realized.

It is likely that the Project would result in a considerable increase of vehicle traffic over the current operations. The associated increase emissions of criteria pollutants and greenhouse gas emissions must be analyzed under CEQA.

#### **IV.B The Proposed CDI Processing Would Result in Increased Emissions of Fugitive Dust**

CDI processing, particularly sheetrock (aka drywall) or loose dirt, results in considerably higher fugitive dust emissions than the currently permitted single-stream recycling of paper, glass, and metals. (See also Comment II.B.2.) The 2010 Application does not indicate that any fugitive dust control would be implemented and installed at the Project site. Therefore, fugitive dust particulate matter emissions would increase. It is likely that the facility without any additional mitigation would not comply with the Bay Area Air Quality Management District ("BAAQM D") regulations regarding dust and nuisance.

#### **IV.C The 2010 Application Incorrectly Assumes that Daily Vehicle Trips Would Be Reduced and Therefore Criteria Pollutant Emissions Would Decrease**

The 2010 Application states that the Project would reduce total traffic to and from the site from 190 to 214 vehicle trips per day to 80 and provides the following information to support this estimate:<sup>35</sup>

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<sup>34</sup> 2010 Application, p. 3.

<sup>35</sup> 2010 Application, p. 4.

**Table 2: Anticipated peak daily vehicles as presented by 2010 Application, Table I**

| Vehicle type  | Anticipated peak daily vehicles |
|---|---------------------------------|
| <u>Inbound vehicles</u>   |                                 |
| CDI trucks (150 tpd @ 3.5 tons/truck)                           | 43                              |
| Source separated cardboard (20 tpd @ 3.5 tons/truck)            | 7                               |
| <u>Outbound vehicles</u>  |                                 |
| Transfer trailer with residual waste (60 tpd @ 20 tons/trailer) | 3                               |
| Transfer trailer with wood (45 tpd @ 20 tons/trailer)           | 3                               |
| Materials marketing trucks (45 tpd @ 4.2 tons/truck)            | (11)                            |
| Flatbed trailer with cardboard (20 tons/trailer)                | 1                               |
| Employees   | 13                              |
| Visitors  | 10                              |
| <b>Total vehicles per day</b>                                   | <b>80</b>                       |

The 2010 Application notes that it assumes a CDI recycle/reuse rate of 60% (90 tpd) and that 50% of the 90 tpd would be wood (45 tpd) and that the remaining 45 tpd of material (corresponding to 11 trucks at 4.2 tons per truck) would be hauled by trucks that were inbound with material and are therefore not counted as new trips.<sup>36</sup>

This estimate of 80 vehicle trips per day is erroneous for a number of reasons, as discussed in the following comments. As a result, the Applicant's conclusion that vehicle trips and associated air pollutant emissions would be reduced is incorrect.

*IV.C.1 Number of Vehicles versus Number of Vehicle Trips*

Table 1 in the 2010 Application appears to be based on a report by EarthSystems in 2010 that was prepared to analyze whether the site's septic system capacity would be able to accommodate the Project's employees and truck drivers.<sup>37</sup> This report analyzes the "number of vehicles" accessing the site as a substitute for the number of employees using the site's restroom facilities, *i.e.*, it counts every vehicle accessing the site only once. However, the 2010 EarthSystems Report incorrectly cites to "vehicle trips per day" rather than "vehicle roundtrips per day." The 2010 Application presents the same table and perpetuates the terminology error in the 2010 EarthSystem Report by presenting the "number of vehicles accessing the site daily" (or vehicle roundtrips) as the "number of vehicle trips per day."

Because each of the inbound vehicles must also exit the site and each of the outbound vehicles must also access the site, the number of daily vehicle trips is at least twice the assumed 80 vehicle trips per day, *i.e.*, 160 vehicle trips per day (or 80 vehicle roundtrips).

<sup>36</sup> *Ibid.*

<sup>37</sup> 2010 Application, Exhibit F: Letter from Barry Rudermann, EarthSystems to Bob Swift, County of Sonoma, Permit and Resources Management Department, Re: S.D.S. Clearance Request for Revised Use with CDI Recyclables Processing, as per State Transfer Processing Report, March 6, 2010

However, as discussed in the comments below, actual vehicle trips would be higher because various vehicle traffic was underestimated.

IV.C.2 *Inbound and Outbound Truck Traffic*

Every vehicle that leaves the site, either empty or loaded, has to return to the site to either unload or be loaded. The calculations presented by the 2010 Application, Table 1, do not balance and does not provide for sufficient outbound empty trucks to pick up CDI and cardboard even considering that 11 of the outbound materials marketing trucks would pick up CDI or cardboard on their return. Figure 5 (next page) illustrates the number of inbound and outbound truck trips required to transport the materials assuming the same payloads assumed by the 2010 Application.

Table 3 summarizes balanced inbound/outbound truck trips assuming the same payloads as the 2010 Application.

**Table 3: Outbound and inbound truck trips per day**

| Truck type       | Outbound                        | Inbound              |
|------------------|---------------------------------|----------------------|
| Flatbed truck    | 1 (20 tpd cardboard)            | 1 (empty)            |
| Transfer trailer | 3 (45 tpd wood)                 | 3 (empty)            |
| Transfer trailer | 3 (60 tpd residual waste)       | 3 (empty)            |
| Trucks           |                                 | 43 (150 tpd CDI)     |
| Trucks           |                                 | 7 (24 tpd cardboard) |
| Trucks           | 11 (45 tpd materials marketing) |                      |
| Trucks           | 39 (empty)                      |                      |
| <b>Total</b>     | <b>57</b>                       | <b>57</b>            |

Table 3 shows that a minimum of 57 inbound truck trips per day are required to transport 150 tpd of CDI and 24 tpd cardboard to the site and 18 outbound truck trips per day are required to transport 20 tpd cardboard, 45 tpd wood, 60 tpd residual waste, and 45 tpd recycled materials offsite. To balance the 57 inbound trips against the 18 outbound trips, 39 trucks per day have to leave the site empty to pick up materials. Thus, there will be a total of 114 truck trips per day.

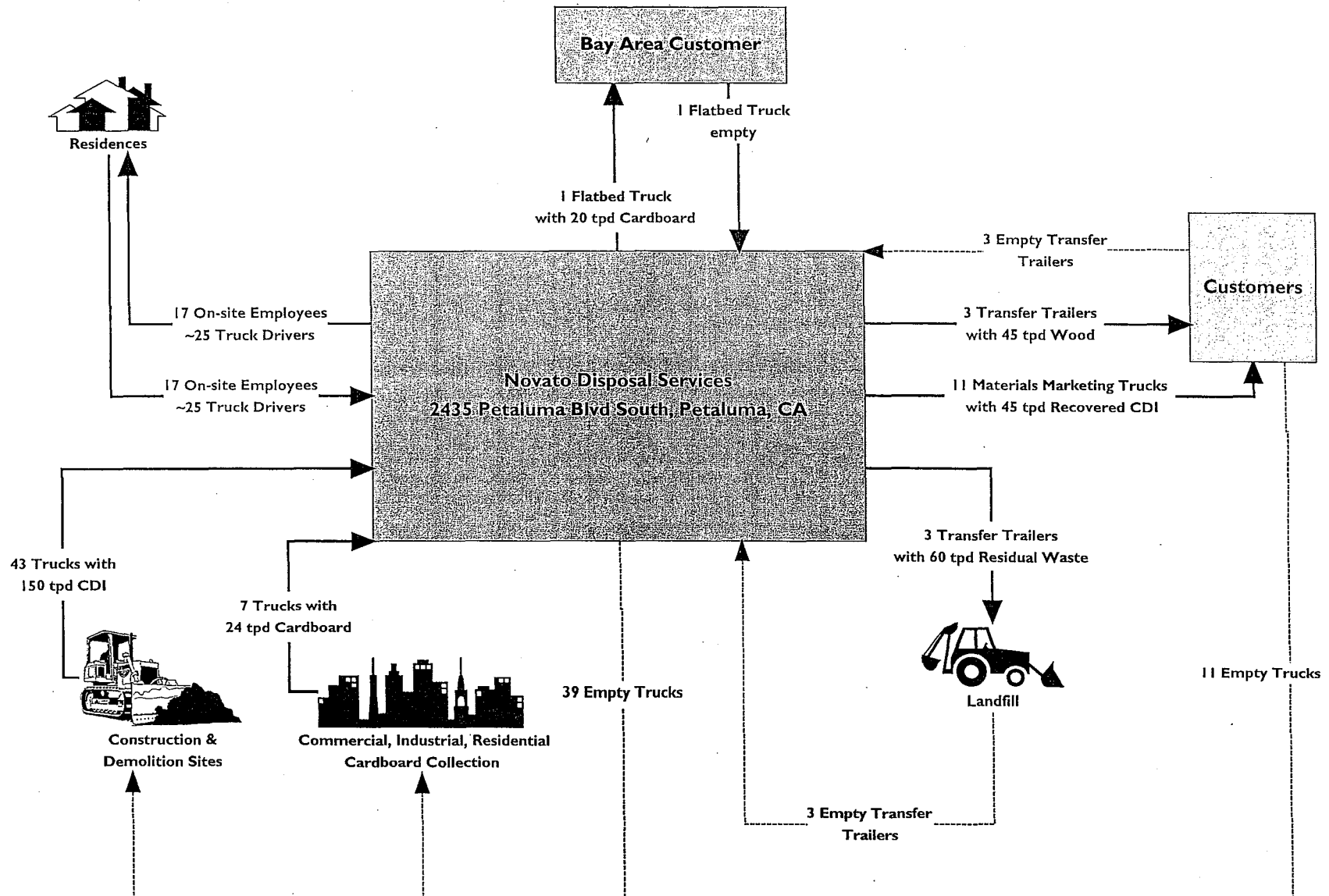


Figure 5: Inbound and outbound vehicle traffic at Novato Disposal Services

IV.C.3 CDI and Cardboard Processing Employee Commuter Vehicles

Further, as discussed before, the proposed number of workers – four – for processing CDI and cardboard is likely underestimated by a factor of at least two.<sup>38</sup> Thus, the vehicle trips per day associated with the commute of these four additional employees must be increased by 8. (See also Comment **Error! Reference source not found.**)

IV.C.4 Truck Driver Commuter Vehicles

The 2010 EarthSystems Report did not include an estimate for the number of vehicles used by the truck drivers to commute between the site and their residences. (See Figure 5.) Conservatively assuming that each truck driver can make two inbound and two outbound trips per day, about 28 truck drivers would be required for the proposed operation.<sup>39</sup> Thus, the number of vehicle trips per day increases by approximately 56 commuter vehicle trips.

IV.C.5 Total Vehicle Trips Per Day

Table 4 summarizes the total number of inbound and outbound vehicle trips per day.

Table 4: Outbound and inbound vehicle trips per day

| Vehicle type                    | Outbound                        | Inbound              |
|---------------------------------|---------------------------------|----------------------|
| Flatbed truck                   | 1 (20 tpd cardboard)            | 1 (empty)            |
| Transfer trailer                | 3 (45 tpd wood)                 | 3 (empty)            |
| Transfer trailer                | 3 (60 tpd residual waste)       | 3 (empty)            |
| Trucks                          |                                 | 43 (150 tpd CDI)     |
| Trucks                          |                                 | 7 (24 tpd cardboard) |
| Trucks                          | 11 (45 tpd materials marketing) |                      |
| Trucks                          | 39 (empty)                      |                      |
| Truck driver commuter vehicles  | 28                              | 28                   |
| Employee commuter vehicles      | 17                              | 17                   |
| Visitors                        | 10                              | 10                   |
| <b>Total</b>                    | <b>112</b>                      | <b>112</b>           |
| <b>Total inbound + outbound</b> | <b>224</b>                      |                      |

As shown in Table 4, proposed operation would result in approximately 112 inbound and 112 outbound vehicle trips per day for a total of 224 vehicle trips per day. This number is

<sup>38</sup> See Letter from Evan Edgar, Total Compliance Management to Christine Sosko, County of Sonoma, Department of Health Services, Re: Comments Re: Solid Waste Facilities Permitting for Novato Disposal CDI Processing Facility at 2543 Petaluma Boulevard South, Petaluma, California, July 26, 2010.

<sup>39</sup>  $(57 \text{ inbound trips}/2) + (57 \text{ outbound trips}/2) = 28.5$ .

likely conservative as it is unlikely that all 11 materials marketing trucks would indeed be loaded inbound with CDI or cardboard. Thus (setting aside the baseline issue discussed in Comment IV.A), contrary to the claim by the 2010 Application that the proposed operation would decrease the number of vehicle trips to 80 per day, the Project would actually result in an increase of 10 to 34 vehicle trips per day compared to the previously analyzed 190 to 214 vehicle trips per day. Criteria pollutant emissions, carcinogenic diesel particulate matter emissions, and greenhouse gas emissions associated with these vehicles trips would therefore also increase.

#### *IV.C.6 Truck Trips versus Passenger Vehicle Trips*

Further, by eliminating the public buy-back of recyclables, the Project would decrease the number of passenger vehicles accessing the site but would increase the number of truck trips for transporting CDI and single-stream cardboard. Therefore, carcinogenic diesel particulate matter emissions would increase.

#### *IV.C.7 Length of Vehicle Trips*

Finally, the 2010 Application contains no discussion whatsoever of the length of vehicle trips. It is unclear whether the inbound/outbound vehicle trips associated with the proposed CDI processing are comparable to the inbound/outbound vehicle trips that were associated with the permitted metals, paper, plastics, and tire recycling operations. It is entirely conceivable that CDI and recycled materials would have to be hauled longer distances.

### **V. There Is a Fair Argument that Odor Impacts from the Proposed Operations May Be Significant**

The proposed operation would include a number of sources that have the potential to cause objectionable odors: residual and green waste related to land development; food waste contained in CDI or cardboard; and dust associated with processing of CDI materials. The 2010 Application contains no discussion of odors that may be generated at the site. None of the potential odor impacts associated with CDI have previously been analyzed under CEQA.

The Bay Area Air Quality Management District ("BAAQMD"), the agency entrusted with protecting and improving the air quality in the San Francisco Bay Area air basin which includes the southern half of Sonoma County, has developed a list of recommended odor screening distances for specific odor-generating facilities. Projects that would locate sensitive receptor(s)<sup>40</sup> to odor source(s) closer than the screening distances would be considered to

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<sup>40</sup> For CEQA purposes, a sensitive receptor is typically defined as a location where human populations, especially children, seniors, or sick persons are found, and there is reasonable expectation of continuous human exposure to

result in a potential significant impact. If the proposed project would include the operation of an odor source, the screening distances should also be used to evaluate the potential impact to existing sensitive receptors.<sup>41</sup> The screening distance for "green waste and recycling operations" is one mile. There are numerous sensitive receptors located within and considerably closer than one mile from the Project site including:

- Residences within 1,000 feet of the Project site: approximately 700 feet to the south/southwest (between 6 o'clock and 8 o'clock overlooking the freeway towards the site) and approximately 600 feet east/southeast (between 3 o'clock and 4 o'clock on the river).
- Within the City of Petaluma limits and within a 1,200 to 3,300 foot distance from the Project site to the northwest: the 272-home subdivision, Quarry Heights by KB Homes at 1600 Petaluma Boulevard South, which has been recently approved by the City.<sup>42</sup>
- Within a one mile radius: hundreds of residences; the Petaluma Community Church, Miwok Elementary School, a trailer park on Lakeville Highway (Highway 116) and hundreds of homes east of Lakeville Highway to the northwest; Calvary Chapel of Petaluma to the northeast; Schollenberger Park to the east/northeast; the United Church of Christ and Spring Montessori School to the southeast; and the Petaluma Golf and Country Club to the southwest.

These sensitive receptors may be adversely affected by odors generated by the proposed operations. Thus, the proposed operations should be considered having significant odor impacts which should be adequately analyzed in a CEQA document and must be mitigated to the extent feasible.

## **VI. There Is a Fair Argument that the Project Would Result in Significant Cumulative Impacts on Air Quality and Traffic**

The facility is located adjacent to the Shamrock Materials facility and within less than 500 feet of the proposed Dutra Haystack Landing asphalt facility. The Dutra facility alone estimated a peak daily truck traffic of 750 roundtrips per day, *i.e.*, up to 1,500 truck trips per

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criteria air pollutants and toxic air contaminants. Examples of sensitive receptors include residences, hospitals, and schools.

<sup>41</sup> Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, June 2010, Table 3-3, p. 3-4, and p. 7-2; <http://peek.snipurl.com/xo2ru> [www\_baaqmd\_gov] or [http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines\\_June%202010.ashx](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_June%202010.ashx).

<sup>42</sup> Argus Courier, Housing Approved at Old Dutra Site, Saturday, August 7, 2010; <http://www.petaluma360.com/article/20100807/COMMUNITY/100809778/1362/community01?Title=Housing-approved-at-old-Dutra-site>.

day.<sup>43</sup> The cumulative vehicle trips associated with the proposed operation in addition to the Shamrock and Dutra facilities would result in negative impacts on traffic including queuing of trucks on off-ramp from Highway 101 and likely backing up of traffic onto Highway 101. The combined traffic would likely result in cumulatively significant impacts due to re-entrained road dust. These cumulative impacts must be adequately analyzed and mitigated to the extent feasible.

## **VII. The Project May Result in Increased Landfill of Curbside-Collected Recyclable Materials**

The 2005 Staff Report states that in Sonoma County "two firms handle nearly all the curbside collected materials; Empire Waste Management and North Bay Corporation. Neither company has the processing capacity to handle all the recyclables collected, so both firms' facilities are essential to maintaining compliance with AB939 diversion programs. Lack of adequate processing capacity could have various negative repercussions on the County and the public. Possible impacts include the disposal of recyclable items in the landfill generating significant negative publicity, reduced recycling rates resulting in imposition of the AB939 penalties, or recyclables in excess of in-County processing capacity could be hauled to another jurisdiction for processing resulting in increased costs and requiring increased refuse collection rates."<sup>44</sup>

The recycling capacity in Sonoma County appears not to have changed substantively since 2005. Several plans for expansion and new construction of processing facilities have been considered in the past years, but so far none have been realized. Thus, the change from single-stream processing at the Petaluma facility to CDI processing would reduce the total recycling capacity in Sonoma County with the above discussed consequences, potentially resulting in longer truck haul distances to out-of-county recycling centers, and potentially increase criteria pollutant and greenhouse gas emissions.

## **VIII. Potential Hazards Associated With CDI Processing Were Not Previously Analyzed Under CEQA**

CID material is associated with inherently more hazards than the previously permitted recycling activities at the site. Many hazardous products are routinely used on construction sites and it is likely that some will find their way into the C&D waste stream that would be

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<sup>43</sup> County of Sonoma, Dutra Haystack Landing Asphalt & Recycling Facility, Final Draft Environmental Impact Report, SCH# 2006022017, July 2008; Draft EIR, Appendix D, Table D-16.

<sup>44</sup> 2005 Staff Report, p. 2.



processed at the site. The following possible hazardous contaminants in C&D waste were determined in a study commissioned by the California Department of Health Services:

|                               |                           |
|-------------------------------|---------------------------|
| Acetone                       | Greases                   |
| Acetylene gas                 | Helium (in cylinders)     |
| Adhesives                     | Hydraulic brake fluid     |
| Ammonia                       | Hydrochloric acid         |
| Anti-freeze                   | Insulation                |
| Asphalt                       | Kerosene                  |
| Benzene                       | Lime                      |
| Bleaching agents              | Lubricating oils          |
| Carbon black                  | Lye                       |
| Carbon dioxide (in cylinders) | Methyl ethyl ketone       |
| Caulking, sealant agents      | Motor oil additives       |
| Caustic soda (sodium)         | Paint/lacquers            |
| Chromate salts                | Paint remover             |
| Chromium                      | Paint stripper            |
| Cleaning agents               | Particle board            |
| Coal tar pitch                | Pentachlorophenol         |
| Coatings                      | Polishes for metal floors |
| Cobalt                        | Putty                     |
| Concrete curing               | Resins, epoxies           |
| Creosote                      | Sealers                   |
| Cutting oil                   | Shellac                   |
| De-emulsifier for oil         | Solder flux               |
| Diesel fuel                   | Solder, lead              |
| Diesel lube oil               | Solder, other             |
| Etching agents                | Solvents                  |
| Ethyl alcohol                 | Sulfuric acid             |
| Fiberglass, mineral wool      | Transite pipe             |
| Foam insulation               | Varnishes                 |
| Freon                         | Waterproofing agents      |
| Gasoline                      | Wood preservatives        |
| Glues                         |                           |

Many of the materials are associated with painting, solvents, or maintenance products for heavy equipment. These potential hazardous materials may be mingled with materials in the process of to recovery and may create future disposal problems."<sup>45</sup>

Special waste materials such as hazardous waste, including fluorescent lamps, asbestos, containers, etc. may warrant careful handling. Regulations by the U.S. Environmental

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<sup>45</sup> Patrick J. Dolan, Richard G. Lampo, and Jacqueline C. Dearborn, U.S. Army Corps of Engineers, Construction Engineering Research Laboratories, Concepts for Reuse and Recycling of Construction and Demolition Waste, USACERL Technical Report 97/58, June 1999; <http://snipurl.com/10973q>.

Protection Agency require the generator of waste to determine whether the materials are hazardous. Lighting components, such as outdated ballasts and lamps, are not obvious hazardous materials, but they do fall under many State and Federal waste regulations.

#### **IX. Conclusion**

While the establishment of a CDI recycling facility is in general desirable, the environmental review of the Project must be adequate to inform the City and the public of its potential environmental impacts. As discussed in my comments above, there is a fair argument that the Project would result in significant impacts on the environment. I therefore recommend that the City conduct CEQA review for the Project and require all feasible mitigation.

Please feel free to call me at (415) 492-2131 or e-mail at [petra@ppless.com](mailto:petra@ppless.com) if you have any questions about the comments in this letter.

Regards,

A handwritten signature in black ink, appearing to read 'Petra Pless', with a stylized flourish above the name.

Petra Pless, D.Env.

Notes

<http://www.recyclecddebris.com/rCDd/Resources/CaseStudies.aspx>

<http://www.recyclecddebris.com/rCDd/Resources/Documents/GuideCDPocket.pdf>

<http://www.recyclecddebris.com/rCDd/Resources/Links.aspx>

**Incorrect Assumptions for CDI Processing**

**Table 5**

| <b>Materials</b>                                 | <b>Approximate pounds/cubic yard</b> | <b>Remarks</b>  |
|--|--------------------------------------|---|
| Construction debris: asphalt or concrete (loose) | 2,400                                |   |
| Construction debris: wood (uncompacted)          | 400                                  | increase up to 100% if compacted using heavy equipment        |
| Soil   | 2,100<br>3,000                       | loose/dry; plus 30% when compacted excavated/wet              |
| Gravel or crushed stone (loose/dry)              | 2,600                                | increase 20% if wet   |
| Metals (un-compacted)                            | 600                                  | e.g., appliances, metal siding                                |
| Sand (loose/dry)                                 | 2,400                                | Increase 20% if damp and 30% if wet/compacted                 |
| Stone graded 8" max. (loose)                     | 2,700                                | e.g., Gabion construction; increase 10% consolidated in place |
| Wood chips (shredded)                            | 300                                  |   |
| Dry wood chips/bark with 30% soil                | 800                                  |   |
| Yard waste vegetation (loose)                    | 600                                  |   |

Source: California Department of Resources Recycling and Recovery (CalRecycle), Construction/Demolition and Inert Debris Tools and Resources; <http://www.calrecycle.ca.gov/SWFAilities/CDI/Tools/Calculations.htm>

**Table 6**

| <b>Materials</b>     | <b>Approximate<br/>pounds/cubic<br/>yard</b> | <b>Remarks</b> |
|----------------------|--|----------------|
| Solid sawn wood      | 267  |                |
| Engineered wood      | 280  |                |
| Drywall              | 400  |                |
| Cardboard            | 30   |                |
| Shingles             | 400  |                |
| Vinyl (PVC)          | 150  |                |
| Masonry              | 1,000  |                |
| Paints, Caulks, etc. | 167  |                |
| Mixed Wastes         | 95   |                |

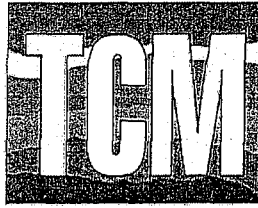
Source: C&D Recycle Construction and Demolition Debris, Construction Waste Handbook, July 31, 2005; <http://www.recyclecddebris.com/rCDd/Handbook/Chapter06.aspx>

Trucks that carry C&D loads typically have 5 ton payloads.<sup>46</sup>

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<sup>46</sup> p. 4-87; <http://www.ci.la.ca.us/ead/enforcement/pdfs/Athens%20FEIR%2011-09-%20complete.pdf>.

# EXHIBIT C



**TOTAL COMPLIANCE MANAGEMENT**

July 26, 2010

*Delivered via electronic mail.*

Christine Sosko  
Manager, Solid Waste Program  
Department of Health Services  
County of Sonoma  
475 Aviation Blvd Ste 220  
Santa Rosa, CA 95403

RE: Comments Re: Solid Waste Facilities Permitting for the Novato Disposal CDI Processing Facility at 2543 Petaluma Boulevard South, Petaluma, California

Total Compliance Management, Inc. (TCM) is a regulatory compliance and environmental permitting consulting firm composed of qualified professionals experienced in all aspects of solid waste management collection, processing, transferring and disposal. TCM represents statewide permit equity and fairness among the private sector industry where all parties utilize and recognize the California Environmental Quality Act (CEQA) process and state minimum standards. I am the Principal Civil Engineer at TCM and a Professional Engineer registered with the State of California, with over 22 years of experience permitting material recovery facilities.

TCM has been engaged to evaluate and comment on the Registration Solid Waste Facilities Permit (SWFP) Application for the proposed Novato Disposal CDI Processing Facility (NDCDI or Facility) located at 2543 Petaluma Boulevard South, Petaluma, California. Pursuant to an official request, following County guidelines to review files related to the pending permits – as well as files related to any CEQA determinations or findings – for the aforementioned project site, TCM has received the current application package submittal from the Department of Health Services.

TCM reviewed the information that was provided for the SWFP application as well as files associated with land use activity at the site that purports to grant entitlements for the processing of construction and demolition debris at the NDCDI facility at up to 174 tons per day (TPD), including the construction of a 19,200 square foot awning to house the processing of construction, demolition, & inert (CDI) debris.

**Summary Comments**

*The CDI facility described in the SWFP application package is substantially different and potentially more impactful than the "Light Processing Recycling Facility" that was evaluated under CEQA requirements and permit conditions approved by the Sonoma County Board of Supervisors in PLP02-0072 for the site. In fact, mixed CDI materials are not generally*

considered "source separated", are among the heaviest and most difficult to process solid waste materials recovered and certainly contain more potential impacts than the aluminum, plastic, glass, and paper waste identified in the PLP02-0072 project description.

The proposed facility presents potential environmental impacts that were not fully evaluated during the CEQA process:

- **Fire** – Construction and demolition materials (particularly when commingled with green waste) represent a significant fire risk. Due to the inherently increased fire risk, a fire plan is required to be submitted with the application package; in this project it is absent and the project description contains little information regarding the operator's plans to prevent or manage a fire.
- **Dust** – Impacts from dust are inherent with the CDI materials unless proper mitigations are taken. This operator has failed to provide details regarding dust control measures or mitigation measures at the proposed facility; no misting system or handheld hoses are proposed within the processing building, no dust masks or respirators for employees are planned. No air handling equipment that would keep dust within the building is mentioned.
- **Odors** – The operator is planning to handle green waste (storing it up to 90 days after processing). Green waste can generate odors if not properly managed beginning with its receipt at the facility. The potentially significant odors from green waste are well-documented but were not assessed during the original CEQA process. Under the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the project may have significant odor impacts on nearby residences since there are residences within less than one mile of the facility. An odor impact analysis is therefore required in a new CEQA document.

The SWFP application package is lacking critical elements and information to be considered complete and correct under applicable Title 14 regulations. Beyond the numerous details cited below, no Fire Prevention, Control, and Mitigation Plan [14 CCR 18223 (19)] or a copy of the operator's Injury and Illness Prevention Plan [14 CCR 18223 (18)] are included in the submittal.

Our comments on this project address both the substance of the Registration SWFP application (and elements required for the Facility Plan under Title 14, Section 18223) as well as the adequacy of underlying CEQA (Mitigated Negative Declaration) and conditional use permit (CUP) documents (PLP02-0072), approved for the site.

### Registration SWFP Comments

We have the following comments on the Registration SWFP application package. 14 CCR 18223 is provided below with our comments, where appropriate.

*Registration Permit Application (Form 83):*

- Section Authorizing Eligibility is incorrect; the correct section is 14 CCR 17383.5.
- Days and Hours of Operations: Sunday hours are inconsistent with those listed on Page 8 of the Report of Facility Information (RFI).
- Facility Size: 5.47 acres is inconsistent with the 5.39 acres cited on pages 2 and 3 of the RFI, and the 5.4 acres cited in the approved use permit, PLP02-0072.

14 CCR 18223 - Facility Plan for Medium Volume Construction and Demolition/Inert Processing Facilities and Medium Volume C&D Wood Debris Chipping and Grinding Facilities:

(a) Each operator of a medium volume CDI debris processing facility or medium volume C&D wood debris chipping and grinding facility that is required to obtain a Registration Permit, as set forth in CCR, Title 14, Division 7, Chapter 3.0, Article 5.9, sections 17383.5 or 17383.3, and CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100 et. seq., shall file with the EA, together with its application for a Registration Permit, a CDI Debris Processing Facility Plan or C&D Wood Debris Chipping and Grinding Plan, as applicable. The Plan shall contain the following:

(1) Names of the operator and owner, and the key employee responsible for operation of the site;

(2) Schematic drawing all buildings and other structures showing layout and general dimensions of the operations area, including, but not limited to, unloading, storage, loading, and parking areas;

General dimensions for the operating areas are not provided; the site plan (Figure 4) is not scaled and only a few non-pertinent dimensions are shown. Under "Site Plan Description" on Page 3 of the RFI, a Figure 5, Building 'K' floor plan is noted to illustrate the CDI processing area. No Figure 5 was included in the information provided for our review. Thus, none of the required information specific to the layout of the CDI operations is included.

(3) Descriptive statement of the manner in which activities are to be conducted at the facility;

(4) Days and hours that the facility is to operate. If the hours of debris receipt differ from the hours of material processing, each set of hours shall be stated. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of debris received per operating day. The operator may also indicate whether or not, and when, other activities, such as routine maintenance will take place, if those activities will occur at times other than those indicated above;

As noted above, Sunday hours of operations, noted in the RFI on page 8 as 9:00 am to 6:00 pm are inconsistent with the application form and beyond the 9:00 am to 4:00 pm approved in use permit PLP02-0072.

(5) Total acreage contained within the operating area;

(6) Facility design capacity including the assumptions, methods, and calculations performed to determine the total capacity;

Design capacity assumptions used are questionable; typical CDI waste materials delivered in debris boxes average less than 500 pounds/cubic yard. The applicant estimates that the facility will receive an average of 3.5 tons per truck in 20, 30, and 40 cubic yard debris boxes; assuming an average of only 15 cubic yards of materials per box, the density would be no more than 466.7 pounds/cubic yard.

The applicant estimates that they will have only 4 employees (one of them operating a Case 721 wheel loader) to process up to 150 tons of material per day, every day; this assumption is not realistic when considering that a minimum of 60% of the material must be recovered from their proposed "floor sort" operation. Additionally, CUP condition #57 states, "Loose materials shall be baled, palletized or placed in containers within 24 hours of delivery to the site." A typical operation of this nature would require at least twice the number of total workers (8)



and/or additional powered equipment to achieve the requisite diversion. The loader and sorters would also be expected to assist in cardboard handling up to 4 hours per day.

It is questionable why an experienced CDI operator would propose that 4 employees could manage such a volume and type of operation unless there was a necessity to minimize the number of employees in order to demonstrate adequate septic facility volume.

*(7) Information showing the types and the daily quantities of debris to be received. In any calculations necessary as part of the plan, amounts shall be figured in tons. If tonnage is figured from cubic yards, include the conversion factors used as approved by the EA;*

See note under (6) above.

*(8) Estimates of the amount of residual to be generated on a monthly basis and the amount of material salvaged and/or recycled;*

**Monthly totals for residual and salvaged material is not provided.**

*(9) Description of the methods used by the facility to comply with each State Minimum Standard required by CCR, Title 14, Division 7, Chapter 3.0, Article 5.9;*

**There is limited information regarding compliance with State Minimum Standards. In particular, the RFI is lacking information regarding:**

- **Burning Wastes and Open Burning [14 CCR 17407.1]**
- **Dust Control [14 CCR 17407.4]** – CDI materials are considered very dusty, particularly when being dumped from a debris box. The indoor operations at a facility of this nature should include a misting system or air handling system to remove particulate matter which may become fugitive during windy conditions and continuously impacts workers.
- **Hazardous, Liquid and Special Wastes [14 CCR 17407.5]**
- **Litter Control [14 CCR 17407.8]**
- **Non-salvageable Items [14 CCR 17408.4]**
- **Nuisance Control [14 CCR 17408.5]** – Operator plans to store green waste for up to 90 days (p.6).
- **Personnel Health and Safety [14 CCR 17408.7]** – Despite dusty conditions, no mention of dust masks, misting system, or eye wash availability. No spotter to monitor traffic is discussed.
- **Protection of Users [14 CCR 17408.8]**
- **Scavenging and Salvaging [14 CCR 17409.3]**
- **Signs [14 CCR 17409.4]**
- **Loadchecking [14 CCR 17409.5 and 14 CCR 17383.3 (c)(1-2)]** – Proper storage of household hazardous waste is not discussed.
- **Supervision and Personnel [14 CCR 17410.2]** – The number of CDI sorting personnel appears to be inadequate.
- **Vector, Bird and Animal Control [14 CCR 17410.4]**

*(10) Anticipated volume of quench or process water and the planned method of treatment, and disposal of any wastewater;*

*(11) Description of provisions to handle unusual peak loading;*

*(12) Description of transfer, recovery and processing equipment, including classification, capacity and the number of units;*

*(13) Planned method for final disposition of debris received at the facility, including but not limited to materials being transferred to other facilities or operations for further processing, recycled materials, and solid waste;*

*(14) Planned method for the storage and removal of salvaged material;*

*(15) Resume of management organization which will operate the facility;*

**No resume of management is provided.**

*(16) The operator shall record and retain records of any serious injury to the public occurring on-site and any complaint of adverse health effects to the public attributed to operations. Serious injury means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a loss of any member of the body or suffers any degree of permanent disfigurement; and*

**No discussion of recording and retaining records of serious injury is present.**

*(17) The operator shall retain a record of training and instruction completed in accordance with Article 6.2, section 17410.3.*

*(18) A copy of the operator's Injury and Illness Prevention Plan (as applicable under current law).*

**No Injury and Illness Prevention Plan is provided.**

*(19) Fire Prevention, Control and Mitigation Plan ("Plan") which contains the following:*

*(A) Description of the measures the operator will take to prevent fires and to control and extinguish fires at the site;*

*(B) Identification and description of the equipment the operator will have available (on site and readily available off-site) to control and extinguish fires;*

*(C) Description of the measures the operator will take to mitigate the impacts of any fire at the site to the public health and safety and the environment;*

*(D) Description of the arrangements the operator has made with the local fire control authority having jurisdiction to provide fire prevention, control and suppression;*

*(E) Discussion of the ability of the local fire control authority to suppress fires at the site in light of the authority's personnel, expertise and equipment, the availability of water, access to the site and to flammable materials on the site, the nature of flammable materials on site, the quantity and dimensions of materials on the site, and the potential for subsurface fires in accumulations of flammable materials on the site.*

*(F) Evidence that the operator has submitted the Plan to the local fire control authority for review and that the authority has found it to be in compliance with the authority's applicable requirements.*

**No Fire Prevention, Control, and Mitigation Plan is provided.**

*(b) The operator must file amendments as necessary to maintain the accuracy of the Plan. Such amendments may become the basis for revisions to the Registration Permit for the facility. Failure to submit timely amendments may be cause for suspension or revocation of the permit.*

### **Conditional Use Permit and CEQA Adequacy Comments**

We have the following comments on the CUP and Mitigated Negative Declaration (MND):

The project description for the CUP entitlements and CEQA assessment associated with this project indicates that the original proposal was for the development of a 500 TPD facility handling single stream recyclables, scrap metal, and tires. The originally-proposed facility – described variously as a large recycling collection facility (MND) or a light processing recycling facility (staff report) – included the permitting and construction of several buildings and defined operating conditions designed to mitigate the impacts of paper, glass, plastic, and aluminum containers.

The dust impacts of the project have not been fully assessed or mitigated. In the Environmental Checklist (p.9) submitted with the application for this project, there is no discussion of the potential for particulate matter generation, which is commonly generated from the handling of CDI materials, including gypsum wallboard and other dust-producing materials typically disposed of at construction and demolition sites. Dust containing potentially hazardous materials will be generated by the project and present impacts to both air and water quality and requires additional analysis under CEQA.

The potential odor impacts of the project have not been fully assessed or mitigated. Green waste materials – which the operator indicates will be collected with the CDI material and are planned to be stored onsite for up to 90 days – are commonly the source of significant odors, depending upon seasonal variation, collection frequency, and material handling procedures. The MND is absent on any discussion of potential green waste operations occurring with this project. In the Air Quality section of the Environmental Checklist, the discussion in Item 3e plainly states that “the materials brought to the site for sorting and compacting do not involve a significant amount of food, animal or plant waste, which would be the main contributor in the generation of objectionable odors.” Clearly, the potential impacts of the receipt of green waste at the facility were not analyzed, as they were not anticipated, in the MND. Under the BAAQMD CEQA Guidelines, the project may have significant odor impacts on nearby residences since there are residences within less than one mile of the facility. An odor impact analysis is therefore required in a new CEQA document.

### **Conclusion**

The CDI facility currently being considered for a Registration SWFP by your office is not the same type of facility – managing materials which have potentially increased impacts to the environment by their nature – that was considered under the original CEQA assessment. The materials being considered now include concrete, asphalt, dirt, gypsum wallboard, green waste, wood, scrap metal, carpet, and hazardous materials that are commonly found and disposed of at construction and demolition sites.

The operator clearly misunderstands the nature of the materials being proposed for processing at this facility – as common practices, such as the use of dust masks for workers or a misting system over the tipping area, were neglected – and has errantly or willfully underestimated the workforce required to safely and properly sort the 150 tons of CDI material which may be received daily.

The operator has underestimated the required workforce for a CDI facility of this volume; Novato Disposal has proposed that 4 employees could manage such an operation. In our expert opinion, it

would require a minimum of 8 employees to effectively divert the required amount of 105 tons per day at full volume. To reasonably operate this facility, the operator will need to increase the number of employees to 17 and can no longer demonstrate adequate septic facility volume. Exhibit F and G of the project description, regarding septic system capacity, indicate that the current project is estimated to generate 345 gallons/day to a system designed for 404 gallons/day. Each full-time employee is estimated to generate 15 gallons/day. An additional 4 employees would generate an additional 60 gallons/day causing the project to exceed septic capacity with 405 gallons/day. Overloading the septic system could undoubtedly have significant impacts on water quality.

Given the lack of dust mitigation and potential for unanticipated fire flow from the site, the project may have significant stormwater impacts, particularly given that the facility is already out of compliance with clean water act requirements.

The CDI facility described in the SWFP application package is substantially different and potentially more impactful than the "Light Processing Recycling Facility" that was evaluated under CEQA requirements and permit conditions approved by the Sonoma County Board of Supervisors in PLP02-0072 for the site. In fact, mixed CDI materials are not generally considered "source separated", are among the heaviest and most difficult-to-process solid waste materials recovered, and certainly contain more potential impacts than the aluminum, plastic, glass, and paper waste identified in the PLP02-0072 project description.

The SWFP application package is lacking critical elements and information to be considered complete and correct under applicable Title 14 regulations. Beyond the numerous details cited, no Fire Prevention, Control, and Mitigation Plan [14 CCR 18223 (19)] or a copy of the operator's Injury and Illness Prevention Plan [14 CCR 18223 (18)] are included in the submittal.

The MND approved with PLP02-0072 is inadequate in its assessment of the proposed project, as delineated above, and a new environmental assessment must be conducted to include the full impacts of the proposed CDI materials processing operations.

Total Compliance Management is available for any questions or responses regarding this issue. Please contact me at (916) 739-1700.

Sincerely;



Evan W.R. Edgar  
Principal Civil Engineer

Cc: Leslye Choate

# EXHIBIT D

MEMORANDUM

DATE: June 25, 2009

TO: Members of the Board of Supervisors  
Staff  
Interested members of the public

FROM: Office of the County Counsel

RE: Ex parte communications

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Staff and the Board of Supervisors have received inquiries regarding the extent to which ex parte communications are permitted after the close of a public hearing on a matter that involves a use permit or other quasi-adjudicatory decision. At the request of the Chair, and for the benefit of the Board, staff, and public, this memorandum explains the legal reasons why such communications are disfavored, and should be avoided.

Many County actions in the land use context, including the adoption and amendment of a general plan, are legislative in nature. When considering legislative matters, members of the Board of Supervisors and Planning Commission may receive comments and express their opinions at any time, and without restriction.

Other land use decisions are quasi-adjudicatory, because they exceptionally affect a relatively small number of persons, and require an adjudication peculiar to the facts of the individual case. Consideration of a use permit application is a classically quasi-adjudicatory decision.

Procedural due process requirements apply when a government action is adjudicative in nature, and would substantially affect a significant property interest, such as a party's ability to use their land. Among other things, due process requires that applicants, immediate neighbors, and others with a protected interest have notice and a fair opportunity to be heard before their interest may be affected. This notice is intended to afford all parties an opportunity to hear and be heard before final action.

The County's public hearing procedures allow the public to know the evidence relied upon by its decision makers. As explained in the relevant legal treatise, *California Land Use Practice*, principles of fairness indicate that an agency's final decision should flow from the record considered at the hearing rather than off-the-record submissions by either side. Thus, all parties are encouraged to present their arguments and objections at the hearing, where all can consider them.

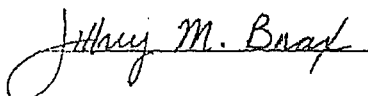
As a result, the County allows full public comment and hearing before acting on a matter that includes a use permit or other quasi-adjudicatory component. The public comment and hearing process allows all parties a full and fair opportunity to present their evidence and arguments, and to hear the facts and arguments advanced by the other side.

After the close of the hearing, however, Board members should avoid ex parte contacts with interested parties or their advocates. Avoiding such contacts is often very difficult given the ubiquity of e-mail and the propensity of some advocates to call, submit additional e-mails and letters, and confront Board members in public. As a result, if Board members do have post-hearing contacts with an interested party, they should disclose the contacts on the record before final action, and either confirm that the contacts have not influenced their decision or request that the hearing be re-opened.

Ex parte contacts should be avoided even when the proposed action includes a legislative component, such as a general plan amendment. There is no practical way to limit outside conversations to only the legislative elements of a project, and such contacts can create a perception or argument that the Board has based its quasi-adjudicative decision on off-the-record evidence.

One caveat is that the limitation on ex parte contacts does not apply to staff. The case law makes clear that with very limited exceptions, decision makers remain free to confer with staff to help assist, advise, and evaluate the evidence in the record. This is similar to legal proceedings, in which judges are free to consult with their clerks and assistants even after the close of a hearing or trial.

Board members should contact this Office if they have any questions or would like to discuss this issue further.



Jeffrey M. Brax  
Deputy County Counsel

102761

# EXHIBIT E



[LINK TO THIS MAP](#)

# GEOTRACKER

**LAYERS**

- Leaking Underground Tank (LUST) Cleanup Sites
- Other Cleanup Sites
- Land Disposal Sites
- Military Sites
- Permitted Underground Storage Tank (UST) Facilities
- Monitoring Wells\*

\* ZOOM IN TO SEE MWS

- DTSC Cleanup Sites
- DTSC Haz Waste Permit

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**MAP SIZE**

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**OPTIONS**

- Site List - [EXPORT TO EXCEL](#)

6 Sites

SHOW SITES WITHIN  FEET OF THE FOLLOWING ADDRESS:

**SITE LIST**

| SITE NAME  | GLOBAL ID    | CLEANUP STATUS          | ADDRESS                  | CITY     |
|--|--------------|-------------------------|--------------------------|----------|
| <input checked="" type="checkbox"/> CALTRANS S. MAINT. STA.        | T0609700926  | COMPLETED - CASE CLOSED | 1485 PETALUMA BLVD S     | PETALUMA |
| <input checked="" type="checkbox"/> HENRIS SUPPLY WAREHOUSE        | T0609700838  | COMPLETED - CASE CLOSED | 172 LANDING WAY          | PETALUMA |
| <input checked="" type="checkbox"/> HLEBAKOS & SONS TRUCKING       | T0609700914  | COMPLETED - CASE CLOSED | 1473 PETALUMA BLVD S     | PETALUMA |
| <input checked="" type="checkbox"/> RINEHART'S PETALUMA TRUCK STOP | SL0609788491 | OPEN - SITE ASSESSMENT  | 2645 SOUTH PETALUMA BLVD | PETALUMA |
| <input checked="" type="checkbox"/> ROYAL TALLOW & SOAP CO.        | T0609700905  | COMPLETED - CASE CLOSED | 2592 LAKEVILLE HWY       | PETALUMA |
| <input checked="" type="checkbox"/> WEST SONOMA CO. DISPOSAL       | T0609700971  | COMPLETED - CASE CLOSED | 2543 PETALUMA BLVD S     | PETALUMA |

MAP AN ADDRESS:

# EXHIBIT F

COUNTY OF SONOMA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC WORKS  
2300 COUNTY CENTER DRIVE, SUITE B 100  
SANTA ROSA, CALIFORNIA 95403

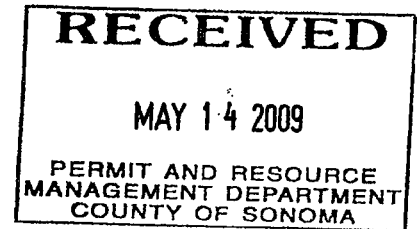
Phillip M. Demery, Director



AREA CODE (707)

ROADS.....565-2231  
TRANSIT.....585-7516  
REFUSE.....565-7940  
AIRPORT.....565-7243  
AIR POLLUTION.....433-5911  
FAX.....565-2620  
www.sonomacountypublicworks.com

May 13, 2009



Steve Padovan  
Permit and Resource Management Department  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Re: PLP08-0120 – Materials Recovery Facility  
3417 & 3555 Standish Ave., Santa Rosa

Dear Steve:

Thank you for the opportunity to comment on the above-referenced permit application. Our Department has several comments and concerns regarding the proposed project that are outlined below. However, in general, the project description does not include sufficient details to fully assess the potential significant impacts of the proposed project.

1. More Details are Needed Regarding the Proposed Operation.

- (a) Project Phasing – The project application materials describe three (3) phases for the project. However, there is insufficient information about when and how each phase will be implemented. In order to assess the environmental impacts of the project, including impacts on County roads and traffic, it is necessary to understand when and how each phase of the project is coming on line. The project assumes inflow of 2,000 tons per day (TPD) for processing and will necessarily result in an outflow of 2,000 TPD of some type of post processing materials. The project needs to describe how the materials flow into the site and how and where they flow out of the site.
- (b) Baseline Project – There is insufficient information about how the existing project operates in order to compare the potential environmental impacts of the proposed project to the existing baseline. For instance, it is unclear how many tons per day are currently processed at the facility. Based on the flow chart, one might assume it is limited to 300 tons per day of “curbside recyclables.” In several places in the application materials, it says that the current facility does not currently process municipal solid waste (MSW). However, your letter indicates that it is an application to “...expand an existing transfer station and material recovery facility....” Complete information on the *amount and type of tonnage* (on a daily and peak basis) currently being processed at the site is needed in order to fully understand the potential traffic and other impacts of the project.

Steve Padovan, Permit and Resource Management Department

Re: PLP08-0120 – Materials Recovery Facility

3417 & 3555 Standish Ave., Santa Rosa

May 13, 2009

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(c) Inflow and Outflow of Materials. The application does not contain sufficient information to determine where the inflowing materials would be coming from, which will have a direct bearing on the potential traffic impacts of the proposed project. Moreover, the project fails to describe where the out-flowing materials will go after they have been processed. Again, this information is necessary to assess the potential traffic impacts of the project.

2. Potential Environmental Impacts of the Project. In order to understand the potential environmental impacts of the proposed project, it is critical to understand the current solid waste processing system in Sonoma County. Currently, the Department operates and manages the Central Landfill and the five (5) transfer stations: Healdsburg, Sonoma, Annapolis, Guerneville and Central. In addition, the Department maintains the seven (7) former landfills which have been closed: Occidental, Roblar, Airport, Annapolis, Healdsburg, Sonoma, and Guerneville. Currently, 270,000 tons per year of MSW is processed by the County at the five County-owned transfer stations. The County-owned facilities currently handle all “franchised waste” (waste that is picked up by a franchised or licensed hauler for disposal) for all cities within the county, except Petaluma,<sup>a</sup> plus the unincorporated franchised waste. In addition to “franchised waste,” there is also “self haul waste” (waste that is delivered directly by the waste generator) that is processed for disposal at the County facilities. The applicant’s proposal assumes processing of 900 TPD of MSW (or 328,500 tons per year) which apparently is the same tonnage currently being processed by the County at the County facilities, plus an additional 58,500 tons of MSW per year coming from somewhere else. The project’s assumption of all waste processing within the County would result in the County’s facilities being unnecessary which would result in the County’s transfer stations being closed.

(a) Traffic – The traffic analysis states that compared to existing conditions the project will result in a reduction of truck *transfer* trips hauling solid waste from the facility. However, in other application materials, it states that the current facility does not haul MSW so it is difficult to understand why the project could result in a reduction of truck *transfer* trips. It is hard to imagine that there is a reduction of truck transfer trips when the proposed project will be processing 900 TPD of MSW that the current facility does not handle. It appears that the project will result in at least 40 new transfer trailer truck trips per day to handle the new MSW it will be processing. The impact on the local road system of this new truck traffic could be potentially significant.

The traffic analysis also appears to be based on theoretical projections instead of mathematical calculations based on the inflow and outflow of the 2,000 TPD of

<sup>a</sup> It should be noted that MSW generated from the city limits of Petaluma is currently being disposed of at the Redwood Landfill in Novato. It should also be noted that the project applicant recently purchased the franchise licensed operations for the city of Petaluma which could account for 30,000 tons per year of MSW being processed at the applicant’s facility.

Steve Padovan, Permit and Resource Management Department

Re: PLP08-0120 – Materials Recovery Facility  
3417 & 3555 Standish Ave., Santa Rosa

May 13, 2009

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various materials to be processed at the facility (e.g., MSW, green waste, C&D, curbside recycling, etc.). The traffic analysis needs to look at the volume of new waste that will be handled and discuss where the process materials will be going and in what size of vehicle. Only then can the traffic impacts of the project be adequately assessed. Based on the application materials, it appears that the existing project handles 300 TPD of curbside recyclables while the new project will add another 1,700 TPD of materials to be processed. Even though the amount of inflow and outflow materials will be a nearly 700% increase from the current level processed, the traffic analysis states that the number of trips will only increase by 30%. How can that be?

The traffic analysis also fails to account for any self haul trips. Given that the project as proposed would process all of the waste in the system, the traffic analysis needs to look at the volume of self haul trips. Currently, of the 900 TPD of MSW in the system, 31% constitutes self haul waste.

The traffic analysis also fails to look at the traffic impacts at: (i) the on and off ramps at Todd Road and Hwy 101; and (ii) the intersection of Standish and Todd roads.

- (b) Water Quality – The County's operations are entirely supported by "tipping" fees which are charged at the County-owned facilities. In addition to covering the costs of processing, transporting and disposing of the garbage, the "tipping" fee revenues also cover the cost of maintaining the seven closed landfills and all of the environmental controls that are in place at the Central Landfill. Since the County facilities will no longer be necessary under the proposed project, the County will not have a revenue stream to continue to maintain the closed landfills and the Central Landfill. This could result in potentially significant impacts to water resources within the vicinity of the former landfills and the Central Landfill due to the potential for offsite migration of contaminants.
- (c) Stormwater Management – It is unclear from the application materials how much storage capacity is built into the project and whether the storage capacity is within a fully enclosed building. If materials are to be stored outside the building, stormwater management issues (as well as odor, vector, and visual) issues should be addressed. Nor do the application materials discuss the potential impacts related to the flux in the "recyclable markets." Currently, there is little to no market to purchase the "recyclable materials," which means that the applicant needs to either demonstrate sufficient storage capacity at the site or other alternatives for where the materials will go; the stormwater implications of on-site storage should be addressed. Please also note that the site map attached to the proposed SWPPP is of another unrelated project.

Steve Padovan, Permit and Resource Management Department

Re: PLP08-0120 – Materials Recovery Facility  
3417 & 3555 Standish Ave., Santa Rosa

May 13, 2009

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- (d) Biological Assessment – The biological assessment appears to ignore the grove of 20 “protected” Redwood trees on the site.
- (e) Noise – The noise assessment focuses primarily on noise generated from the site. However, as discussed above under “traffic,” there could be at least 40 new transfer trailer truck trips per day circulating to and from the site. The noise assessment fails to look at the difference in noise generated by the smaller curbside packer trash truck currently in use at the site and the very large transfer trailer truck that would be required for proposed project operations. The noise study also does not go into detail about the distance from the circulation route of project-generated traffic to the nearest sensitive receptor. Instead, it just focuses on the distance of the nearest residence to the facility. Again, it is critical to understand the actual proposed operations at the facility (i.e., how waste is coming into the facility and how all 2,000 TPD are leaving the facility) to fully assess the noise impacts associated with the substantial increase in truck traffic in the vicinity of the site. The noise analysis appears to assume that all 2,000 TPD leaves the site in transfer trailer trucks which hold approximately 23 tons of materials.
- (f) Air Quality and Odors – There is insufficient information in the application materials about potential air quality and odor impacts. As noted above, since the project, if built, would replace the need for the County-owned system, the County would be forced to shut down all of the transfer stations. The project application materials do not address the air quality impacts that could result from the additional truck trips to the site due to the closure of the County-owned transfer stations. For example, waste currently delivered to the four outlying transfer stations would need to be delivered directly to the project facility in Santa Rosa. This could result in a significant increase in the number of vehicle miles travelled by the curbside collection packer trucks and the self haul waste vehicles. More vehicle miles travelled would result in increased greenhouse gas emissions and could expose sensitive receptors along haul routes in the vicinity of the site to increased toxic air contaminants (e.g., diesel particulate matter).

The project description also fails to consider disposal of the facility’s residual waste. Without any available sites in Sonoma County, the applicant will be forced to outhaul that residue, and yet there is no consideration of this potential in the air quality (or traffic) analysis. Additionally, the project will need to address the potential odor impacts of processing the additional types of materials, particularly MSW.

- (g) Public Health and Safety – The project environmental analysis needs to address the reasonably foreseeable and potentially significant impacts associated with shutting down the County-owned solid waste system as a result of the project, which would leave the County without any funding to meet minimum maintenance and post-closure obligations at the County’s Central Landfill and the seven former landfills.

Steve Padovan, Permit and Resource Management Department

Re: PLP08-0120 – Materials Recovery Facility  
3417 & 3555 Standish Ave., Santa Rosa

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The project needs to also address litter control around the site, as well as throughout the County as a whole, given that the forced closure of the transfer stations could result in more illegal dumping due to the increased distance to the sole waste processing site from more remote locations within the County.

- (h) Land Use and Planning – Since the project would replace the existing County-owned system, the project application needs to describe how it would impact the County's current diversion rate and goals. Currently, the Sonoma County Waste Management Agency (Agency) operates the composting program and the household hazardous waste (HHW) program at the Central Disposal Site. The County will no longer have revenues to keep the site open. In addition, the Agency will no longer be able to collect its Agency fee on waste at the County-owned facilities which means it will no longer have revenues to run any of its programs. Although the proposed project discusses the potential increased diversion that could be accomplished with the project, it is unclear when or if the additional diversion will actually happen. The project should also discuss the impacts on the Agency's composting and HHW program.
- (i) Socioeconomics, Public Services and Utilities – The project environmental analysis needs to discuss the potentially significant impacts on socioeconomics, public services and utilities. As discussed above, this project would replace the need for the County-owned solid waste system. The project would also result in eliminating all funding sources for the on-going maintenance of the seven former landfills and the Central Landfill. Without a sufficient and stable funding source, the County cannot resume and maintain disposal operations at the Central Landfill site. As a result, the project needs to analyze the impacts associated with exporting the county's garbage to other jurisdictions. The project should also demonstrate that it has sufficient contractual landfill disposal capacity at its out-of-county disposal sites to ensure that MSW can be appropriately processed.

3. Proposed Conditions and Mitigation Measures. You have asked us to include proposed conditions and mitigation measures for the project. However, given the lack of details in the project application materials, it is impossible to provide detailed conditions or mitigation measures at this time, particularly in advance of a thorough environmental analysis.

In terms of the potentially significant impact the project will have on the County's ability to continue to maintain the seven former landfills and the Central Landfill, one potential mitigation measure could be a fee assessment on the tons processed. As background information, based on the current tipping fee rates for FY 09-10, the County estimates that a fee of *at least* \$15.59 per ton (assessed against the 900 TPD of MSW) would be necessary to fund its ongoing environmental compliance costs and post-closure maintenance expenses if the project was put into operation in FY 09-10. On top of the

Steve Padovan, Permit and Resource Management Department

Re: PLP08-0120 -- Materials Recovery Facility  
3417 & 3555 Standish Ave., Santa Rosa

May 13, 2009

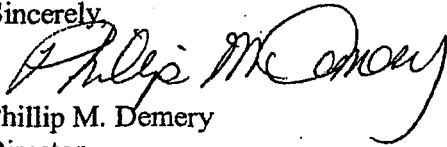
Page 6

fees needed to maintain the former seven sites and the Central Landfill, the County will also be left with a funding gap of over \$11.7 million which is needed to close the Central Landfill.

In conclusion, I note that your project application materials that you forwarded for review do not identify what level of environmental document is being proposed for the project. Given the complexity of the proposed project and the far-reaching environmental impacts of the project, it seems likely that an EIR should be prepared.

Should you have any comments or questions, please do not hesitate to contact me.

Sincerely,



Phillip M. Demery  
Director





# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

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**DATE:** December 3, 2013 at 2:10 p.m.

**TO:** Board of Supervisors

**FROM:** Ken Ellison, Project Planner

**SUBJECT:** Hearing to consider a Use permit modification for a previously approved recycling facility, PLP02-0072, for Novato Disposal Service Inc; Supervisorial District No. 2

### Action Requested of the Board of Supervisors:

The Board is requested to conduct a public hearing on the proposed Use permit modification for a previously approved recycling facility, PLP02-0072, for Novato Disposal Service Inc., and consider the Subsequent Mitigated Negative Declaration for the project. Specifically, the modification would be to eliminate the previously permitted public recycling buy-back/drop off business, and portable toilet rental business, and used tire recycling, and a reduction in the maximum allowed 500 tons per day (TPD) of light processing recycling to 130 TPD of non-hazardous construction debris inert, and 140 TPD of single stream recycling materials, and 25 TPD of cardboard recycling (for a total reduction of 500 TPD down to 295 TPD of materials arriving on site) all within an existing building.

At the conclusion of the hearing your Board may take a straw vote to adopt the Subsequent Mitigated Negative Declaration and approve the Use Permit modification as recommended, and continue the item to January 14<sup>th</sup> for a final resolution to be prepared.

If the proposed Use Permit modification is denied, the existing Use Permit Conditions of Approval will continue to be in effect, and the applicant/owner may continue to operate the site as originally approved for a 500 tons per day (TPD) recycling/transfer facility, including public recycling buy-back drop off business, portable toilet rental business, and used tire recycling operation.

### Prior Actions:

On February 8, 2005, the Board of Supervisors approved PLP02-0072 for a Use Permit with Design Review to legalize and expand an existing recycling and maintenance facility operated by Novato Disposal Services, Inc. at 2543 Petaluma Boulevard, South. On April 24, 2006, the applicant/owner requested that a future building housing the tire and metal recycling operation be converted to construction and demolition (C&D) recycling. PRMD responded in a letter dated May 18, 2006 that the proposed C&D recycling use was compatible with the conditions of approval on the Use Permit if all C&D processing occurred within Building K (see attached site plan).

On August 23, 2010, Novato Disposal Services submitted a Registration Permit application to the County of Sonoma Department of Health Services (Local Enforcement Agency or LEA) for a new CDI (Construction, Demolition and Inert Debris) Processing Facility along with a CDI Cardboard Processing Operation on the subject property (now withdrawn as described below). PRMD found that a proposed CDI operation would be inconsistent with the Recycling Facility use and an Administrative

Determination was mailed to the owner on September 14, 2010. That determination was subsequently appealed to the Planning Commission by Novato Disposal Services, Inc. on September 16, 2010.

On November 18, 2010, the Planning Commission held a public hearing, deliberated on the matter, and on a 4-0-1 straw vote (District 2 was absent), granted the appeal. The item was continued to December 16, 2010 for a final vote to allow staff to prepare a resolution granting the appeal and to allow the District 2 Commissioner the opportunity to review the information related to the project and listen to the recorded November 18th Planning Commission hearing. On December 16, 2010 the Planning Commission, on a 5-0 vote, determined that the proposed CDI facility and CDI Cardboard Processing operations were consistent with the existing approved Use Permit (Planning Commission Resolution Number 10-039).

On December 21, 2010, an appeal of the Planning Commission decision was filed with the Board of Supervisors by the Petaluma River Council, California Sportfishing Protection Alliance, and David Keller. The basis for the appeal to the Board was the claim that the CDI operations are inconsistent with the approved Use Permit for the Recycling Facility. The appellant also requested that a new environmental document be required and made allegations that the Planning Commission engaged in improper ex parte communications and violated the Brown Act. The Board of Supervisors continued the item off calendar for further review.

On May 24, 2012 the applicant filed a request for a new use permit on site (UPE12-0033), but subsequently withdrew that request.

On December 13, 2012 the applicant filed for a revision to the original Use Permit (File #PLP02-0072), effectively withdrawing their previous request (ADA10-0005) to find the same uses consistent with their existing Use Permit (PLP02-0072).

On November 12, 2013, the Board of Supervisors took original jurisdiction of the Use Permit revision request (PLP02-0072).

### **Location, Zoning and Project Description:**

The subject property is located at 2543 Petaluma Blvd. South, Petaluma; APN 019-220-046 (Formally 019-220-038). The base zoning district is M1 (Limited Urban Industrial). Combining zone districts for the property are B8 (Frozen Lot Size) and F2 (Floodplain). The site is currently developed with an existing recycling center operation under PLP02-0072. Adjacent land to the North, South and East is designated for industrial and commercial use, and is either already developed with industrial uses or vacant. To the west is Petaluma Blvd South and Hwy 101 (both currently under construction/modification by Caltrans).

The proposed Use Permit (PLP02-0072) modification for the existing Novato Disposal Service Inc. recycling center would:

1. Replace the allowed 500 Tons Per Day (TPD) of light processing and recycling (including cardboard) with 295 TPD recycling consisting of:
  - a. 130 TPD of CDI (Construction Demolition and Inert Debris);
  - b. 140 TPD of Source Separated Single Stream Recycling material; and

c. 25 TPD of cardboard recycling

All CDI (Construction Demolition and Inert Debris) and Source Separated Single Stream Recycling processing is to occur inside the existing recycling building which has a concrete floor and fire suppression system. A mist system for reducing dust will be installed prior to CDI recycling. All cardboard baling would occur in its existing location.

2. Elimination of the approved public recycling buy back center.
3. Elimination of the approved portable toilet rental business.
4. Elimination of the approved tire recycling operation.
5. Minor design changes to the previously approved canopies over existing concrete/asphalt work areas on the south and north side of the maintenance/mechanic building.
6. Change hours of operation to 24 hours per day.

These changes may result in a slight reduction in the total number of employees on site and a reduction in traffic to the site from the uses being eliminated. All other aspects of the use would remain substantially the same including placement and use of onsite mobile and stationary equipment. A more detailed project description can be found in the applicant's attached application.

## **DISCUSSION OF ISSUES**

### **Original Jurisdiction by the Board**

The Appellant argued at the November 13, 2014 Board meeting that the Sonoma County Code prevents the Board from taking original jurisdiction over the permit application, and that modification of a permit cannot be considered while an appeal of an interpretation of the current permit language is pending. This is incorrect. Section 26-92-160(b) states: "The filing of an appeal pursuant to this section shall operate as a stay on issuance, modification, or revocation, as the case may be, of any permit with respect to which the appeal is taken. The action shall be stayed until the board of supervisors has entered its decision." The phrase "issuance, modification, or revocation, as the case may be" refers to the specific "action" that is being appealed, not other actions that may be taken on the permit by the Board when it takes original jurisdiction over a subsequent application. The purpose of Section 26-92-160(b) is not to tie the Board's hands when disputed permit interpretations have become moot. The purpose is to preserve the Board's ability to address the issuance, modification, or revocation of a permit before such Planning Commission or BZA decisions go into effect.

### **General Plan and Zoning Consistency**

The County General Plan designates the site Limited Industrial land use, and it is within the Petaluma Urban Service area. The Limited Industrial land use designation allows a wide range of resource related industrial uses such as lumber mills, concrete and asphalt plants. Recycling operations of all types are consistent with this land use designation.

The proposed Use Permit modification includes substituting 130 TPD (out of the 500 TPD currently allowed) of light processing and recycling with CDI recycling. The CDI materials would be processed in the same manner and location as the existing light processing and recycling (i.e. materials will be trucked to the site, tipped onto the floor inside the existing building, hand sorted into bins, and then shipped out by truck, with any remainder materials going to the County landfill).

The Zoning Code (sections 26-02-140 and 26-88-070) defines a “recycling facility” as a center for the collection and processing of recyclable materials (which are further defined as reusable materials intended for reuse, remanufacture or reconstruction in an altered form). It also breaks recycling facilities down into a number of subcategories depending on size and scale of use, with standards for each. State law also defines a “recycling facility” as a facility in which over 90% of the materials processed are recyclable materials that are not placed in a landfill. The resolution for the Use Permit granted on the current site was specific in its designation of the project as a ‘light processing recycling facility’, and the conditions of approval were specific to that type of facility.

CDI processing facilities are not specifically defined in the Zoning Code, but are defined in the California Code of Regulations and the Sonoma County Integrated Waste Management Plan (COIWMP) as a portion of the waste stream defined as construction and demolition wastes which consist of various materials such as lumber, drywall, glass, metal, roofing materials, carpeting, cardboard and packaging from building materials, plant materials, soils, concrete, etc., with less than 1% putrescible wastes by volume and no hazardous wastes. Typically, around 60% of the materials processed from CDI are recycled whereas over 90% of the materials brought to a recycling facility must be recycled. Based on these definitions, a recycling facility and a CDI recycling facility may be similar and compatible, but are not the same under the zoning code.

Although the Zoning Code does not anticipate and list every possible use, it does include language to cover such situations. Specifically, the M1 zoning district also allows with a Use Permit, “other nonresidential uses, which in the opinion of the Planning Director, are of a similar and compatible nature to those uses in the section”. In this case, the proposed partial substitution of light processing and recycling with CDI recycling clearly fits this category of the M1 zoning code.

### Traffic

A traffic analysis was prepared which indicated the total number of trips to the site would be reduced by the proposed reduction in TPD of materials brought to the site. The elimination of a number of outdoor and public entry uses allowed on the site (portable toilet rental and public recycling buy back center) will also reduce traffic and related potential safety issues. This reduction in trips will also reduce related air quality impacts from vehicles. The applicant has also proposed changing the hours of operation of the facility to 7 days a week, 24 hours a day, which if approved, could potentially reduce peak hour truck trips.

The existing use permit requires specific road frontage improvements (including truck acceleration/deceleration tapers near the driveway entrance). At the present time CalTrans is in the process of improving Hwy 101 and the portion of Petaluma Boulevard South adjacent to the property. When these improvements are completed at the end of next summer (including installation of the required driveway tapers), traffic safety will be further improved.

### Hazardous Materials/Dust

Under the current light processing and recycling permit (and as with all recycling centers), it is possible for small amounts of hazardous materials to occasionally enter the waste stream even though such materials are not supposed to be placed into recycle containers. These materials most likely include paint, aerosol cans of various materials, cleaning solvents and supplies, oil, pesticides, herbicides, glue's, mercury from switches and lights, small amounts of medical waste, insulation (potential asbestos), and anything else a typical household or business might dispose of. The recycling center is required to have a hazmat plan and procedures in place that meet all Federal, State and local hazardous materials safety standards to deal with such potential materials. The plan includes training of employees to recognize hazardous materials and what to do if exposed (eye wash etc.), screening and potentially rejecting contaminated loads, separating smaller amounts of hazardous materials and temporarily storing them in hazmat approved bins until they can be properly disposed of, or stopping use of a drop off area until a full haz-mat team can respond to any potential contamination. The recycle building also contains an internal closed loop drainage system which captures any potential small amount of liquid runoff from loads. Specifically, there is a 750 gallon 3 chamber clarifier followed by two 2,500 gal holding tanks.

Similar to light processing and recycling, CDI recycling also has the potential for small amounts of hazardous materials to occasionally enter the waste stream even though such materials are not supposed to be placed into the CDI recycle bins. These materials would tend to be more construction oriented in nature, such as paint, mercury from switches and lights, treated wood, insulation (potential asbestos), oil, and solvents. However, unlike light processing and recycling materials which are placed into recycle bins by the general public with no oversight, some CDI materials are pre-screened through the demolition and building permit process, which have code requirements for proper plancheck, inspection, and disposal of hazardous materials. CDI loads also have greater uniformity of materials (than typical recycling operations) which makes contaminated materials easier to spot. CDI loads are also easier to trace back to a commercial operation in the event that a contaminated load is found, and halt or correct future loads from that source. The applicant has also indicated that no crushing, grinding or shredding of CDI materials would occur, and a mist system would be installed in the building to further reduce the potential for any dust from CDI operations.

Given the proposed reduction in total volume of materials to be recycled through the building, the similar nature of potential hazardous materials and preventive steps to deal with them between light processing and recycling and CDI recycling, the greater ease of spotting and correcting contamination is CDI loads, that no crushing or grinding of CDI materials will occur, the installation of a mist system to reduce any potential for dust, the existing internal closed loop drainage system and tanks to capture any potential contaminated runoff, and the continued requirement to update and operate in compliance with an approved hazardous materials plan, the proposed project does not appear to significantly increase any potential danger from hazardous materials on site.

The project description does note that any water collected in the internal building drainage holding tanks may be used for landscape irrigation purposes. While that is typical for most buildings, standard County practice for industrial type operations would be to have any holding tank water disposed of offsite as potentially hazardous (at a facility approved to accept such waste water). The recommended conditions of approval include that standard requirement.

### Noise/Hours of Operation

Allowed hours of operation of the existing recycle center are from Monday through Saturday 4am to 6pm and Sunday 9am to 4pm. These hours of operation cover both the daytime (7am to 10pm) and nighttime (10pm to 7am) noise standards of the General Plan. The Mitigated Negative Declaration for the project's existing Use Permit noted the site had been in operation approximately 18 years (now 26 years), and no significant noise impacts pursuant to General Plan Noise Element standards had been identified. This is due to the method of hand sorting of recycle materials used, and that operations occur inside a building that is located in the middle of an industrial area which is less than 200 feet from Hwy 101.

CDI recycling would also be inside the existing recycling building and be sorted by hand, and so is not expected to increase noise levels over existing recycling operations in the same location. The applicant has specifically stated no crushing, grinding or shredding of CDI materials would occur on site.

The applicant has proposed switching to an operating schedule of 7 days a week, 24 hour a day. Such a change would spread noise from the site out over a longer period of daytime and nighttime hours. However, while it may spread the noise out over a greater number of hours of operation, it would not increase the noise level that recycling operations would produce (as discussed above). Given the noise level being produced from the existing recycling operation was found to be in compliance with both the daytime and nighttime noise standards allowed by the County General Plan, and the proposed CDI recycling operations will not increase noise levels, it is not expected that changing the hours of operation will result in any significant noise impacts per General Plan standards. The draft revisions to the Use Permit conditions of approval include the proposed 7 day a week, 24 hour a day work schedule.

### Fire

Light processing and recycling operations on site include cardboard, paper, plastics and many other potentially flammable materials. These materials are stored in metal bins or separated areas until shipped offsite. The recycle building itself is a simple metal structure with open bays on one side and a concrete floor, which is separated from any other buildings by a considerable distance. All fire codes have been met, and a standard fire safety plan is required to be kept in place at all times.

Similar to light processing and recycling operations, CDI recycling will include some flammable materials such as wood products and plastic. These materials would also be sorted and stored in metal bins or separated areas until shipped offsite. All fire codes would continue to be met, and the fire safety plan updated and maintained as necessary. No significant fire safety concern is expected from this change.

### Odors

CDI recycling operations are not expected to create any significant change in odors from the site. Putrescible wastes are limited by law to no more than 1% of the waste/recycle stream of CDI materials, and any such waste would be stored in a covered metal bin, and shipped offsite within 48 hours.

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**List of Attachments:**

- EXHIBIT A: Draft Revised Conditions of Approval
  - EXHIBIT B: Application and Site Plan
  - EXHIBIT C: Vicinity Map
  - EXHIBIT D: General Plan Map
  - EXHIBIT E: Zoning Map
  - EXHIBIT F: Subsequent Mitigated Negative Declaration
-

**EXHIBIT A**  
**Final Conditions of Approval**

**Date:** December 3, 2013                      **File No.:** PLP02-0072  
**Applicant:** Novato Disposal Service Inc.                      **APN:** 019-220-046 (Formally 019-220-038)  
**Address:** 2543 Petaluma Blvd. South, Petaluma

**Project Description:** Request for a Use Permit and Design Review Permit to legalize and expand an existing recycling facility for the sorting and transfer of recyclable materials including a ~~customer buy-back station~~, equipment and maintenance facilities, ancillary storage, and above ground fuel tank storage and storage for portable toilet rentals on a 5.4 acre site for North Bay/Novato Disposal. Total building area will not exceed 36,000 square feet with several new structures including a spray paint booth, ~~metal and tire~~ recycling building, renovated truck repair facility and canopies over the recycling areas. Total daily tonnage is not to exceed ~~500~~ 295 tons per day consisting of:

- a. 130 TPD of CDI (Construction Demolition and Inert Debris), plus
- b. 140 TPD of Source Separated Single Stream Recycling material, plus
- c. 25 TPD of cardboard recycling

All CDI (Construction Demolition and Inert Debris) and Source Separated Single Stream Recycling processing is to occur inside the existing recycling building which has a concrete floor and fire suppression system. A mist system for reducing dust will be installed prior to CDI recycling. All cardboard baling to occur in its existing location. This application also includes a General Plan Amendment to change the land use designation on the southeasterly three acres of the site (APN 019-220-038) from Limited Commercial to General Industrial, and a Zone Change on that same portion from LC (Limited Commercial) to M1 (Limited Urban Industrial).

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**Prior to vesting this Use Permit, evidence must be submitted to the file that all of the following pre-operational conditions have been met.**

**BUILDING:**

1. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department. The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.

**HEALTH:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

2. The project shall continue to be connected to public water. Prior to building permit issuance, the applicant shall submit a letter of acknowledgment to Project Review Health to verify compliance. This condition shall not be signed off until the requested letter of acknowledgment is received by the Project Review Health Specialist. The purpose of the letter of acknowledgment is to inform the utility that increased use has been approved at an existing connection.
3. Prior to building permit issuance, a permit for the sewage disposal system shall be obtained. The system shall require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis and percolation testing shall be required. Groundwater testing shall also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources. This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the District Specialist that all required septic system testing and design elements have been met. This condition applies to all structures with wastewater plumbing that are not connected to the existing septic system.
4. Prior to building occupancy, all wastewater plumbing shall be connected to a sewage disposal



system that has been constructed under permit for the proposed use by the Well and Septic Section of the Permit and Resource Management Department. This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the District Specialist that all required septic system testing, design elements, construction inspections and any required operating permits have been met. This condition applies to all structures with wastewater plumbing that are not connected to the existing septic system.

5. Application for wastewater discharge requirements shall be filed with the San Francisco Bay Regional Water Quality Control Board. A letter of acceptance of the application shall be submitted to Project Review Health prior to building permit issuance and/or a copy of the waste discharge permit shall be submitted to Project Review Health prior to building occupancy. This condition applies to the disposal of any truck/trailer/container wash water generated on this site.
6. Prior to building permit issuance and prior to project operation, an analysis shall be made by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the proposed sewage loading. Any necessary system expansion or modifications shall be done under permit and the current standards from the Well and Septic Section of the Permit and Resource Management Department and may require both soils analysis and percolation testing. This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the District Specialist that all required septic system testing and design elements have been met.
7. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restrooms shall be submitted to Project Review Health prior to issuance of building permits.
8. Prior to building occupancy, if hazardous waste is generated or hazardous materials stored, then the applicant shall comply with hazardous waste generator laws and AB2185 requirements and obtain a permit or approval from the Certified Unified Program Agency (CUPA) or the participating agency. (Additional information and fees may be required). This condition shall not be signed off until the Project Review Health Specialist receives a copy of a letter of approval or a current permit from the responsible agency.
9. Prior to building occupancy, applicant shall obtain approval from the San Francisco Bay Regional Water Quality Control Board and Sonoma County Emergency Services for any hazardous materials stored in above-ground tanks that exceed 660 gallons for a single container or 1,320 gallons for an aggregate of tanks. A copy of an approval letter from the Regional Water Quality Control Board shall be submitted to Project Review Health to verify compliance. In the case of a catastrophic failure, a containment area shall be provided around the tank(s) which is sufficient to contain the volume of liquid contained in the tank(s) thereby preventing spillage into the adjacent drainage ditch that leads directly to the Petaluma River.
10. Prior to building permit issuance, the applicant shall submit a design for trash enclosures for review and approval to the Division of Environmental Health. (Fees may apply.) This condition shall not be signed off until the Project Review Health Specialist has received a copy of an approval letter from the Solid Waste Section of the Division of Environmental Health.

**FLOOD AND DRAINAGE:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

11. A setback line along all drainages shall be measured from the toe of the stream-bank outward, a distance of 2 ½ times the height of the stream-bank plus 30 feet, or 30 feet outward from the top of the stream-bank, whichever distance is greater.
12. Drainage improvements shall be designed by a civil engineer in accordance with the Water

Agency Flood Control Design Criteria, for approval by the Drainage Review Section of the Permit and Resource Management Department, and shall be shown on the improvement drawings.

13. The engineer shall include a site grading plan, and an erosion control plan as part of the required improvement drawings. The plans shall include all pertinent details, notes, and specifications.
14. Land subject to inundation by the 100-year flood shall be delineated on the grading plan and designated as subject to inundation. The 1929 NGVD must be used for topographic survey. Otherwise a conversion formula must be used to show compatibility with the flood Insurance Rate Maps.
15. Portions of the site may be affected by flooding from the Petaluma River. The 100-year flood elevation is about 7 feet above mean sea level. Building floor/pad elevation must be a minimum of one (1) foot above the 100-year flood elevation.
16. Grading, and/or building permit require review and approval by the Flood & Drainage Review Section prior to issuance.
17. This project is subject to the National Pollution Discharge Elimination System (NPDES) requirements, and coverage under the State General Construction Permit, as set by the Regional Water Quality Control Board (RWQCB). A copy of the Notice Of Intent (NOI) filed with the RWQCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency must be submitted to the Drainage Review Section of the Permit and Resource Management Department.

Mitigation Monitoring: No permits shall be issued until the study is reviewed and approved by Sonoma County Drainage Review. Grading plans shall show the FEMA approved flood elevation and building pad elevations shall be one foot above that elevation.

**TRANSPORTATION AND PUBLIC WORKS:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

18. The Developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width to contain the public improvements required by this approval. This right-of-way requirement shall be void if the existing right-of-way meets or exceeds the minimum requirements described above. Right-of-way, if required shall be dedicated using a Grant Deed. The Developer shall have prepared a Grant Deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. A copy of the recorded Grant Deed shall be submitted to the Land Development Section of the Permit and Resource Management Department prior to clearance of these conditions.
19. Prior to issuance of building permits, the Developer shall construct or install improvements described as follows:

Widen and/or reconstruct as necessary on Petaluma Blvd South, along the Developer's entire property frontage, the improvements described below. The improvements shall follow the concept described in the plan titled "Conceptual Plan for Reconfiguring Petaluma Boulevard South" dated August 19, 2004 and on file in the Sonoma County Department of Transportation and Public Works, Engineering and Design Section. Said improvements shall include:

- a) Two, 12-foot wide paved travel lanes.
- b) One, 16-foot wide continuous left turn lane.
- c) Two, 8-foot wide paved shoulders, including curb and gutter.
- d) Channelization of the intersection of Petaluma Boulevard South with the northbound on-ramp to Highway 101

- e) One standard 2-foot wide concrete curb and gutter on the east side of the road.
- f) Coordination with Shamrock Materials to allow their improvement of Landing Way as required in their Use Permit.
- g) Trees/landscaping per the City of Petaluma landscaping plan for this area and County requirements (see additional specifications in Condition #41).
- h) Overlay with a minimum of 2.4 inches of asphalt concrete, the full width of the road, for the full length of the Developer's frontage on Petaluma Boulevard South to offset the additional wear associated with heavy truck traffic associated with the proposed use and to allow for restriping of the roadway.
- i) The final road shall have sufficient section to provide for a Traffic Index of 11.0.
- j) Drainage systems shall be required.

The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, etc, all as necessary to create the required widths and structural section(s).

- 20. The structural section of all road improvements shall be designed using a soils investigation, which provides the basement soil's R-value and Expansion Pressure test results. A copy of the soils report shall also be submitted with the first set of improvement plan check prints.
- 21. To allow for the smooth and safe movement of single unit trucks entering and exiting the public road that provides access to the property, the Developer shall construct an at-grade driveway, including curb and gutter. Entrance curve returns shall have a radius of 55 feet and a throat width of at least 24 feet. The driveway shall be perpendicular to the public road. The minimum sight distance for vehicles entering and exiting this driveway shall be in accordance with AASHTO requirements for the actual speed traveled on the public road servicing the property. The Developer shall surface the entry with asphalt concrete pavement between the edge of the existing pavement and the Right-of-Way line or a minimum of 20 feet, whichever is greater. This condition shall be void if the existing entry already meets these standards. The driveway improvements shall be in place prior to occupancy or commencement of the new activity. The access driveway shall be located a minimum of 150 feet from the Highway 101 northbound on-ramp.
- 22. Any gate installed across this driveway shall be located a minimum distance of 30 feet from the edge of the travel way, in accordance with Sonoma County Mandatory Fire Safe Standards, Section 13-38.
- 23. The Developer shall install traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, transition barricades, etc.
- 24. All improvements shall be constructed in accordance with the Department of Transportation and Public Works Road Policy.
- 25. Developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a minimum 1-inch equal 40 feet, and shall be submitted on 24 inch by 36 inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.
- 26. Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to the Permit and Resource Management Department, prior to signature of the Improvement Plans by the Director of the Department of Transportation and Public Works.
- 27. Prior to issuance of any building permit, which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.

28. The Developer shall submit improvement plans for all required improvements to the Permit and Resource Management Department for review and approval. Prior to the issuance of any Grading, Building or Encroachment permits, the Director of the Department of Transportation and Public Works shall sign the Improvement Plans.
29. Prior to construction of any improvements that are to be made within County Road-of-Way, the Developer must obtain an Encroachment Permit from the Permit and Resource Management Department.
30. The Developer shall complete construction of all the required public improvements or enter into an Improvement Agreement and post acceptable security with the County of Sonoma, agreeing to complete the required construction within the 24-month period following the approval of the Application for this project. Included in this Improvement Agreement shall be a requirement that the Developer enter into an Improvement Maintenance Agreement and post security with the County of Sonoma, to guarantee the improvements for a period of one (1 year) after acceptance of the improvements as being complete by the County.

**PLANNING:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

31. The applicant shall pay all applicable development and permit processing fees prior to issuance of building permits.
32. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to the Permit and Resource Management Department from the County Fire Marshal/Local Fire Protection District.
33. The applicant shall pay within five (5) days after approval of this project to the Permit and Resource Management Department a mandatory Notice of Determination filing fee of \$35 50 for County Clerk processing (check shall be made payable to Sonoma County Clerk and submitted to the Permit and Resource Management Department), and
  1. \_\_\_\_\_ No additional fee because the project is exempt from Fish and Game fee.
  2. \_\_\_\_\_ \$850 because an EIR was prepared, for a total of \$885.
  3. X ~~\$1250 because a Negative Declaration was prepared, for a total of \$1285.~~ \$2,156.25 (or latest fee in effect at time of payment) because a Subsequent Mitigated Negative Declaration was prepared, for a total of \$2,206.25

This fee must be paid or the approval of this project is not valid.
34. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
35. Parking spaces shall be provided on-site for 27 employees. An additional ten (10) parking spaces shall be provided for customers and visitors. In addition to the required customer and visitor parking, the facility shall provide one (1) space for each commercial vehicle operated by the processing center and one (1) bicycle parking space per five (5) spaces of required customer parking.

36. Any containers provided for ~~donation~~ of recyclable materials will be adequately screened from any public right-of-way or use area and shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
37. Sign requirements shall be those provided for the zoning district in which the facility is located. In addition, the facility will be clearly marked with the name and phone number of the facility operator and the hours of operation. All signage shall be subject to review and approval by the Design Review Committee.
38. Prior to issuance of any building permits for this property, all new and existing on-site structures, landscaping and fencing shall be subject to review and approval by the Design Review Committee. Proposed structures shall comply with the Design Review Committee's final approved plans. All exterior surfaces shall utilize non-reflective materials.

Mitigation Monitoring: No building permits shall be issued until the Design Review Committee approves the final design for the proposed self-storage facility

39. The exteriors of all structures shall be renovated and painted to repair any visible damage or weathering and all new and existing structures shall be painted to match, subject to Design Review approval.

Mitigation Monitoring: PRMD shall conduct a final review of the site prior to occupancy of any new buildings to ensure that the entire property has been upgraded as required.

40. Prior to issuance of building permits, the applicant/owner shall install and maintain in good condition on their property a minimum 10 foot landscape planter around the entire perimeter of the property and increased landscaping around the offices, ~~the portable toilet storage area and the tire and metal recycling building~~. Existing trees and large shrubs along the railroad right-of-way shall be preserved in place. Landscaping shall consist of groupings of redwoods, lower level trees, vines, shrubs and groundcover. Landscape plans shall be reviewed and approved by the Design Review Committee. Automatic irrigation shall be provided and all trees shall be a minimum 5-gallon in size.

Mitigation Monitoring: Landscape plans shall be submitted to the Design Review Committee for review and approval. Landscaping shall either be installed or all site preparation must be completed with all materials on-site prior to issuance of building permits for any new structures on this site.

41. The applicant/owner shall install and maintain in good condition, road and landscape improvements on Petaluma Boulevard South along the entire street frontage in accordance with plans titled, "City of Petaluma - South Gateway Improvements", and dated April 21, 2004 and as modified by the Design Review Committee approval. Trees shall be 36" box or 2 3/4" diameter trunk with ball and burlap. Shrubs, vines and groundcover shall be planted in accordance with the improvement plans.
42. Prior to issuance of building permits, the applicant/owner shall be required to install and maintain in good condition, all street frontage and landscape improvements along the property to the face of curb including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way. Landscape plans shall be submitted to the Design Review Committee for review and approval prior to issuance of grading or building permits. Landscaping shall consist of a mixture of trees, shrubs and groundcover and all landscaping shall be automatically irrigated with primary irrigation lines and equipment located on private property.
43. Prior to issuance of any Building Permits, an exterior lighting plan shall be submitted to the Design Review Committee and County Permit and Resource Management Department for review and approval. Exterior lighting shall be low mounted, downward casting and fully shielded, utilize

motion detection systems where applicable and not “wash out” onto adjacent properties or into the sky. Lighting shall not be mounted above the roofline of any buildings and lighting under the canopies shall be fully shielded and directed downward. Generally, fixtures should accept sodium vapor lamps and not be located at the periphery of the property. Flood lights are not permitted. The lighting shall be installed in accordance with the approved lighting plan during construction. This requirement shall be included in the conditions of approval.

Mitigation Monitoring: No building permits shall be finalized until the project planner verifies the installation of the lighting fixtures per approved plans. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and require the property be brought into compliance. If compliance is not achieved, staff will initiate procedures to restrict operations or revoke the permit and terminate the use.

44. The applicant/developer shall submit grading and drainage plans that include all proposed drainage swales and erosion control measures related to any development on the subject parcels. Drainage swales shall be designed to allow filtration of the water into the native soils to minimize introduced contaminants into the marsh.

Mitigation Monitoring: No grading or building permits shall be issued without an erosion control plan and a storm water run-off control plan. Drainage swales and berming shall be designed as permanent landscape features. These drainage features shall be inspected and approved by PRMD staff prior to occupancy of the building.

45. All new utilities shall be placed underground prior to final inspection or issuance of certificates of occupancy. Any relocation of existing utilities along the Petaluma Boulevard South frontage are subject to prior approval of PG&E, Caltrans and the Public Utilities Commission. These permits are the responsibility of the applicant.

46. The applicant shall pay for their fair share of striping improvements on Petaluma Boulevard South and as depicted in the traffic study dated June 15, 2004. The improvements shall be installed prior to issuance of any new Building Permits. The Department of TPW shall review and approve said striping plan. In addition, the applicant shall enter into an agreement with the County to pay their fair share for the future signalization of the intersection of Petaluma Boulevard South and the southbound on/off ramp with Highway 101, prior to issuance of building permits or commencement of use.

Mitigation Monitoring: No building permits shall be issued prior to the installation of roadway striping to the satisfaction of the Department of Transportation and Public Works and the payment of mitigation impact fees for the future signalization of the intersection.

47. All grading plan sets shall contain the following note: “If human remains are encountered, excavation or disturbance of the location shall be halted immediately in the vicinity of the find, and the County Coroner contacted. If the Coroner determines the remains are Native American, the Coroner will contact the Native American Heritage Commission (NAHC). The NAHC will identify the person or persons believed to be most likely descended from the deceased Native American. The NAHC will then work with the applicant on re-interring the remains. The applicant shall be responsible for all costs incurred in the removal, identification and reburial of the remains.”
48. All grading and building plan sets shall contain the following note: “If archaeological artifacts such as pottery, arrowheads, midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. No work shall commence until a mitigation plan is approved and completed subject to the review and approval of the archaeologist and Project Review staff.”

49. A voluntary merger of the two parcels shall be recorded prior to issuance of any building permits on this site.
50. The billboard facing Petaluma Boulevard South shall be removed within 3 years from the date of the Use Permit approval or as soon as legally possible.
51. A solid eight foot high fence shall be constructed along the Petaluma Boulevard South and Landing Way Street frontages. The fence shall utilize articulation in its design and shall be subject to review and approval by the Design Review Committee.
52. This Use Permit is not vested or effective until all permit processing and condition compliance costs are paid in full, and all of the above pre-operational conditions of approval are satisfied, and a Certificate of Use Permit has been issued by PRMD.

**The following Operational Conditions shall govern the daily operation of the use and shall run with the land and apply to all successors in interest and assigns.**

**HEALTH:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

53. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

Maximum Exterior Noise Level Standards, dBA

| Cumulative Duration of Noise Event in any one-hour Period | Daytime<br>7 a.m.<br>to 10 p.m. | Nighttime<br>10 p.m.<br>to 7 a.m. |
|---|---------------------------------|-----------------------------------|
| 30-60 Minutes   | 50                              | 45                                |
| 15-30 Minutes   | 55                              | 50                                |
| 5-15 Minutes  | 60                              | 55                                |
| 1-5 Minutes   | 65                              | 60                                |
| 0-1 Minutes   | 70                              | 65                                |

Limit exceptions to the following:

- A. If the ambient noise level exceeds the standard, adjust the standard to equal the ambient level.
- B. Reduce the applicable standards by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
- C. Reduce the applicable standards by 5 decibels if they exceed the ambient level by 10 or more decibels.

**PLANNING:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

54. This Use Permit and Design Review Permit (PLP02-0072) is for a light processing recycling facility, CDI (Construction Demolition and Inert Debris) recycling facility, vehicle maintenance facility and equipment storage yard on a 5.4 acre site for Novato Disposal at 2543 Petaluma Boulevard South, which has a maximum capacity of ~~500~~ 295 tons per day consisting of:

- a. 130 TPD of CDI (Construction Demolition and Inert Debris), plus
- b. 140 TPD of Source Separated Single Stream Recycling material, plus
- c. 25 TPD of cardboard recycling

All CDI (Construction Demolition and Inert Debris) and Source Separated Single Stream Recycling processing is to occur inside the existing recycling building which has a concrete floor and fire suppression system. A mist system for reducing dust shall be installed prior to CDI recycling. All cardboard baling to occur in its existing location.

For the purposes of this permit, CDI (Construction Demolition and Inert Debris) shall be defined per the latest definition of the State of California regulations.

~~The hours of operation for the facility are from 4:00 a.m. to 6:00 p.m. Monday thru Saturday and 9:00 a.m. to 4:00 p.m. Sunday seven days a week, 24 hours a day. The proposal includes the construction of a 12,600 square foot metal building for tire and metal recycling, a 1,200 square foot canopy over the vehicle wash area, a paint booth, a 900-2,165 square foot canopy over the outdoor vehicle maintenance area and a 5,000 square foot canopy over the sorting bunkers for the paper, glass and plastic recyclables. In addition, the Use Permit shall permit the establishment of an outdoor portable toilet storage area on a 15,000 square foot pad at the southwest corner of the site. Portable toilets shall only be stored empty with no cleaning of tanks or disposal of chemicals or wastewater on the property.~~

The use shall be operated in accordance with the proposal statement and site plans dated June 2003 December 12, 2012 and site plans located in File Number PLP02-0072 as modified by these conditions. Expansion of the uses or exceeding the tonnage set forth in the proposal statement without obtaining an approved modification to this permit shall constitute a violation of this permit. Upon written request from the County or its designee, Permittee shall provide documentation of the actual uses and daily tonnage for purposes of verifying compliance with this condition, within ten business days of any such request.

The approval of this application (PLP02-0072) supercedes all previous Use Permit(s) and Design Review Permit(s), including earlier versions of PLP02-0072 and UP/DRH 86-430 which was approved for a truck storage and repair yard for a waste hauler on the northern half of the site and UPE88-005 for a caretaker unit which no longer exists.

- 55. All loose recycled materials shall be covered and enclosed within a structure with the exception of the baler which shall be open on the south and east facing elevations. In addition, the entire site shall be enclosed on all sides by an opaque fence or wall not less than eight feet (8') in height and landscaped on all street frontages. All outdoor storage of recycled material, waste containers, ~~portable toilets~~, or other equipment shall not be stacked to exceed the height of the fencing. The 50 cubic foot roll-out waste containers, which exceed the eight-foot fence height, may be stored outside but shall not be stacked.
- 56. Materials temporarily stored outside prior to shipment shall be baled, palletized, densified or placed in sturdy containers maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material.
- 57. Loose materials shall be baled, palletized or placed in containers within 24 hours of delivery to the site. Permittee shall develop and implement a system tracking how long loose materials are temporarily stored on the parcel. Upon written request from the County or its designee, Permittee shall provide documentation of how long specific materials were stored on-site in order to verify compliance with this condition within ten business days of any such request. Nothing in this condition shall be construed as permitting any sorting, packing, treatment, or any other activity beyond passive outdoor storage.
- 58. The site shall be maintained free of litter and any other undesirable materials, will be cleaned of loose debris on a daily basis, and will be secured from unauthorized entry and removal of



materials when attendants are not present. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited.

59. All emissions of fumes, smoke, dust, particulate matter or odor shall comply with the latest rules and regulations of the Bay Area Air Quality Management District. Any such violation, once verified by the County, shall constitute a nuisance.
  60. ~~There shall be no cleaning of portable toilets or disposing of waste on site in connection with the portable toilet rental business. The storage area for the units shall be limited to the approximately 15,000 square foot concrete pad located at the southwest corner of the site. Any drainage water collected in the recycling building holding tanks shall be removed from the site and disposed of at a facility legally authorized to accept such liquids.~~
  61. All vehicle, truck and container washing shall occur within the vehicle washing structure. All wash water shall be recycled back into the system with no wash water to be disposed of into the storm drains, septic or stormwater systems.
  62. The repair and paint booth facilities shall be used for the repair and maintenance of the recycling trucks and equipment only. No personal or non-related commercial repairs or painting shall be permitted at this site.
  63. Power-drive processing shall be permitted, provided noise level requirements of Condition No. 53 are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials. Electric conveyor belts may also be used to move CDI materials inside and around the recycle building, but no crushing, grinding, or shredding of CDI materials is allowed on site.
  64. The light processing facility shall be no larger than forty-five thousand (45,000) square feet in total building area and may not shred, compact or bale ferrous metals other than food and beverage containers.
  65. The facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.
  66. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of the Permit and Resource Management Department or the ~~Planning Commission~~ Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified use permit and additional environmental review.
  67. In addition to any other remedy allowed by law or this permit and in the County's sole discretion, this permit shall be subject to revocation or modification by the Board of Zoning Adjustments (BZA) if: (a) a Sonoma County Administrative Abatement Hearing Officer or the BZA finds that there has been noncompliance with any of the conditions or (b) the BZA finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the applicable provisions of the Sonoma County Code.
- In any case where a Use Permit has not been used within two (2) year after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.
68. In order to secure compliance with these conditions of approval and to deter future violations of

these conditions and in addition to any other remedy allowed by law or this permit, in the Director of the Department of Permit and Resources Management's sole discretion, any violation of this permit may be punishable by a fine not to exceed \$2,500 per day from the date of issuance through December 31, 2014 and \$3,125 per day from January 1, 2015 through December 31, 2030. Thereafter the maximum daily penalty shall increase by 25% every fifteen years. The amount of a penalty imposed under this condition shall be proportional to the gravity of the violation and shall comport with the "Penalty Calculation Sheet" or other penalty calculation policies, as approved by the Sonoma County Board of Supervisors. Each day that the violation exists shall constitute a separate and distinct violation, punishable to the fullest extent allowed by law or this permit.

The Permittee may appeal any penalty imposed under this paragraph to a Sonoma County Administrative Abatement Hearing Officer and either the County or the Permittee may appeal the hearing officer's decision to a court in the time and manner required by law. In the event that the County, or its designee, successfully proves that the Permittee or its agents violated a condition of this permit to an administrative hearing officer or in a court of law, Permittee shall indemnify County for all costs and attorney fees incurred as the result of enforcing the conditions of approval of this permit.

69. Upon reasonable notice, Permittee hereby authorizes the County, or its designee, to enter and inspect the parcel for compliance with these conditions and the Sonoma County Code.
70. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The Applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. The director of PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by the Director of PRMD are limited to those items that were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from the Director, and shall not affect the original permit approval date or the term for expiration of the permit.

The Applicant and all successors in interest, shall comply with all applicable provisions of the Zoning Code.

## PENALTY CALCULATION SHEET

|   | SCORE | WEIGHT         | WEIGHTED |
|---|-------|----------------|----------|
| Seriousness of Violation = 30% of Total   |       |                |          |
| a) Minor violations (1 pt)  |       |                |          |
| b) May cause human health/safety or environmental damage (5 pts)  |       |                |          |
| c) Has caused human health/safety or environmental damage (10 pts)  |       |                |          |
|   |       | x .30 =        |          |
| Length of Time Violation has Existed = 5% of Total  |       |                |          |
| a) Less than six (6) months (1 pt)  |       |                |          |
| b) Six (6) months to one (1) year (5 pts)   |       |                |          |
| c) More than one (1) year (10 pts)  |       |                |          |
|   |       | x .05 =        |          |
| Diligence/Cooperation of Violator/Owner = 15% of Total  |       |                |          |
| a) Violator/Owner quickly responded & acted w/ diligence (1 pt)   |       |                |          |
| b) Violator/Owner responded after numerous attempts (5 pts)   |       |                |          |
| c) Violator/Owner delayed response (10 pts)   |       |                |          |
|   |       | x .15 =        |          |
| Effect on Other Properties = 10% of Total   |       |                |          |
| a) Minor effect (1 pt)  |       |                |          |
| b) Some effect but not significant (5 pts)  |       |                |          |
| c) Significant effect on other properties (10 pts)  |       |                |          |
|   |       | x .10 =        |          |
| Culpability of Violator/Owner = 20% of Total  |       |                |          |
| a) Violator/Owner did not actively create violation (1 pt)  |       |                |          |
| b) Violator/Owner created or added to violation (5 pts)   |       |                |          |
| c) Violator/Owner had economic incentive/benefit,<br>repeat Violator/Owner or flagrant violation (10 pts) |       |                |          |
|   |       | x .20 =        |          |
| Sophistication of Violator/Owner = 20% of Total   |       |                |          |
| a) Unknowing of regulations (1 pt)  |       |                |          |
| b) Possible knowledge of regulations (5 pts)  |       |                |          |
| c) Regulations were known (10 pts)  |       |                |          |
|   |       | x .20 =        |          |
|   |       | <b>TOTAL =</b> |          |

\* If significant environmental damage was caused by the violation, add 5 points to the total score, but in no case shall the total score exceed 10.

# Planning Application

## PJR-001

File#: PLP 02-0072

**Type of Application:**

- |   |  |   |                                      |
|---|--|---|--------------------------------------|
| <input type="checkbox"/> Admin Cert. Compliance       | <input type="checkbox"/> Design Review Comm./Ind.  | <input type="checkbox"/> Minor Subdivision            | <input type="checkbox"/> Variance    |
| <input type="checkbox"/> Ag./Timber Preserve/Contract | <input type="checkbox"/> Design Review Residential | <input type="checkbox"/> Mobile Home Zoning Permit    | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Cert. of Compliance          | <input type="checkbox"/> Design Review Signs       | <input type="checkbox"/> Ordinance Interpretation     | <input type="checkbox"/> Other:      |
| <input type="checkbox"/> Cert. of Modification        | <input type="checkbox"/> General Plan Amendment    | <input type="checkbox"/> Second Unit Permit           |                                      |
| <input type="checkbox"/> Coastal Permit               | <input type="checkbox"/> Lot Line Adjustment       | <input type="checkbox"/> Specific/Area Plan Amendment |                                      |
| <input type="checkbox"/> Design Review Admin.         | <input type="checkbox"/> Major Subdivision         | <input checked="" type="checkbox"/> Use Permit        |                                      |

**Applicant (Contact Person):**

**Jim Salyers, Vice President**

Name  
**P.O. Box 1916**  
Mailing Address  
**Santa Rosa** **Ca** **95402**  
City/Town State Zip  
**707-765-9995** **707-765-9998**  
Phone Fax  
**jamesalyers1@gmail.com**  
email

Signature *James H Salyers* Date 12/11/14

**Owner, if other than Applicant:**

**Novato Disposal Services**

Name  
**2543 Petaluma Blvd. South**  
Mailing Address  
**Petaluma** **Ca** **94952**  
City/Town State Zip  
**707-765-9995** **765-9998**  
Phone Fax  
**jamesalyers1@gmail.com**  
email

Signature *James H Salyers* Date 12/11/14

**Other Persons to be Notified.** (Specify: Other Owner(s), Agent, Lender, Architect, Engineer, Surveyor)

**Eric Koenigshofer**

Name  
**P.O. Box 218**  
Mailing Address  
**Occidental** **Ca** **95446**  
City/Town State Zip  
**Attorney**  
Title  
**707-874-2389**  
Phone Fax  
**ejklaw@yahoo.com**  
email

Name  
Mailing Address  
City/Town State Zip  
Title  
Phone Fax  
email

Name  
Mailing Address  
City/Town State Zip  
Title  
Phone Fax  
email

**Project Information:**

**Novato Disposal Services**

Address(es) **2543 Petaluma Blvd South** City/Town **Petaluma, Ca. 94952**  
Assessor's Parcel Number(s) **APN 019-220-038** Acreage **5.40**  
Project Description: **Revision to PLP 02-0072**  
Site Served by Public Water?  Yes  No Site Served by Public Sewer?  Yes  No Number of new lots proposed **0**

DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff

Planning Area: \_\_\_\_\_ Supervisorial District: \_\_\_\_\_ Current Zoning: \_\_\_\_\_ General Plan Land Use: \_\_\_\_\_  
Specific Plan: \_\_\_\_\_ S.P. Land Use: \_\_\_\_\_ Needs CEQA Review?  yes  no

**Commercial/Industrial Uses:** (Enter numbers where applicable)

Bldg. sq. ft. Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_ Existing Employees: \_\_\_\_\_ New Employees: \_\_\_\_\_  
New Manufactured Homes: \_\_\_\_\_ New Units For Sale: \_\_\_\_\_ New Units For Rent: \_\_\_\_\_ Density Bonus Units: \_\_\_\_\_  
Violation?  yes  no; Application resolve planning violation?  yes  no; Penalty applicable?  yes  no; Civil Penalty Factor \_\_\_\_\_

Previous Files: \_\_\_\_\_  
Application accepted by PLP 02-0072 Date \_\_\_\_\_

**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue \* Santa Rosa, CA \* 95403-2829 \* (707) 565-1900 \* Fax (707) 565-1103

December 12, 2012

Project Description

Use Permit Amendment

(PLP 02-0072)

Novato Disposal Services

2543 Petaluma Blvd. South

Petaluma, Ca. 94952-5534

Submitted by:

Eric J. Koenigshofer

P.O. Box 218

Occidental, Ca. 95465

(707) 874-2389

ejklaw@yahoo.com

**Summary:**

This is a request to make a modification to an existing use permit (PLP 02-0072).

The project site is a 5.4 acre property located at 2543 Petaluma Blvd South, Petaluma (APN 019-220-038).

On February 8, 2005 the Board of Supervisors unanimously approved a use permit for this property (BOS Res. No. 05-0134). The approved use permit provides for a variety of uses including a light processing recycling facility allowed to process up to 500 tons per day (TPD) of recyclable material.

This amended proposal seeks to clarify approval to process no more than 130 TPD of Construction Demolition and Inert Debris (CDI)<sup>1</sup> which is a part of and well within the 500 TPD of recyclable material processing allowed by the 2005 use permit.

All of the proposed CDI processing will take place inside a building newly constructed with environmental mitigations for light recycling processing. The

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<sup>1</sup> Title 14 refers to Construction and Demolition Inert Debris (CDI) in the California Code of Regulations. This is the same material that is also called "Construction and Demolition". The term CDI is used to be consistent with the State language.

daily volume of CDI which will be processed on-site inside the existing building will be limited to 130 TPD. (See Building K Interior Layout and Truck Circulation designed by Civil Design Consultants, Inc. April, 2012)

As an offset of impacts associated with the proposed modification to allow indoor CDI processing, it is also proposed that several uses now allowed by the existing use permit be eliminated. The proposed offsets will result in a decrease in both on and off-site impacts allowed and currently mitigated under the existing use permit.

Several key points must be noted as this request is evaluated:

- 1) All CDI processing will occur inside an existing building which has environmental mitigations including a closed loop drainage system/holding tank and fire suppression systems.
- 2) A separate permit from CalRecycle is required and will be obtained after CEQA review and use-permit modification approval. The CalRecycle permit may further condition and limit uses on the site.
- 3) Several uses approved in 2005 will be eliminated to offset traffic and other impacts of the proposed CDI use.
- 4) The total amount of recyclable material of all types processed on site will be below the allowed level of 500 TPD.
- 5) The entirety of all proposed operations on the property will be well within or below the activity level evaluated and allowed by the existing use permit.

**Existing Use Permit:**

The use permit approved in 2005 allows for processing of up to 500 tons *per day* of recyclable material. This includes all recyclable material typically found in the municipal "waste stream".

The 2005 use permit also allows for operation of: a) an "open to the public" recycling buy-back center; b) a vehicle maintenance facility including a paint booth and vehicle washing facility; c) equipment storage yard; d) indoor tire and metal recycling; e) outdoor storage of portable toilets; f) outdoor sorting, storage and baling of paper, cardboard and aluminum cans as well as administration services for Novato Disposal Services which are located on site.

**Proposed Changes to Existing Use Permit:**

While other permit activities have been implemented, the following permitted activities have not been implemented and are now proposed to be eliminated.

**Activities proposed to be eliminated:**

- 1) Public recycling buy-back/drop off business.
  - 2) Portable toilet rental business
  - 3) Used tire recycling
- 
- 1) Public recycling buy-back center: The elimination of this use allowed by the current use permit results in significant reductions in traffic and other activity on the site. The recycling buy-back center was authorized to be open to the public 7 days a week from 8am to 5pm Monday through Saturday and from 9am to 4pm on Sundays. The elimination of this aspect of the 2005 use permit reduces vehicle trips by members of the public. Likewise, this change reduces vehicle trips by employees associated with performing these functions.
  - 2) Portable toilet rental business: The elimination of this use allowed by the current use permit will further reduce vehicle trips in the form of reduced truck traffic picking up and dropping off portable toilet units as they are rented and returned from the field. This change also reduces the number of employee vehicle trips by eliminating those associated with this aspect of the operation.
  - 3) Used tire recycling: Public tire recycling is allowed by the current use permit inside the existing building. This tire recycling will be eliminated and will be replaced within the building by the C&D processing herein proposed.

**Proposed replacement activity:**

Construction Demolition Inert Debris processing is proposed to replace the activities identified for elimination in the above section. All CDI handling will take place inside the building previously intended for tire and metal recycling. As noted, the public tire recycling and metal recycling other than the metal found in CDI loads or the blue bin will be eliminated.

Therefore, Novato Disposal requests that this proposal allow 130 Tons per Day of CDI, 140 TPD of Single stream materials, and 25 TPD of cardboard. That is a reduction from 500 TPD to 295 TPD of material.

**Nature and Quality of Waste**

The 130 TPD of non-hazardous CDI material is defined by Cal Recycle to include lumber, drywall, metals, masonry (brick, concrete, etc.), carpet, plastic, pipe, rocks, dirt, paper, cardboard, or residual and green waste related to land development. This material meets the definition as contained in Section 17381 (e) of Chapter 3 of Title 14, Division 7.

At times, some of this material such as plastic film or carpet or carpet pad will be source separated at the point of generation. This is both an energy and labor savings methodology. NDS would accept source separated CDI material for baling as part of the 130 TPD CDI materials. CDI metal may also be source separated and brought to the site for consolidation before shipment by bin or trailer to the Bay Area.

Some jurisdictions are beginning to allow different recyclable material into the blue can like household appliances, televisions, and metal. Those materials would also be recycled. As different material is added to the CDI definition or allowed to be collected in the blue can, it would be recycled at the NDS facility. As CDI material definition change, NDS would like the flexibility to evolve with those changes.

At some future point clothing may be recycled. This would be a minor part of the operation (<1%). Clothing would be placed in closed cardboard boxes (Gaylord Box) and sent for processing or reuse.

NDS will continue processing and baling up to 25 tons per day of source separated cardboard. Most of our current accounts for source separated cardboard are construction industry related such as hardware stores, lighting stores, and other accounts that support the construction industry.

The facility will continue to accept and sort up to 140 TPD of source separated single stream material. This material is mainly plastic and glass bottles and paper. It is delivered by NDS trucks and personnel from ongoing curbside accounts.

This is a reduction in the amount (tons) of material allowed in the Use Permit and analyzed in the Mitigated Negative Declaration (MND) by the County of Sonoma. Any impacts to the environment identified in the MND will be significantly lessened due to accepting CDI material and eliminating the public buy back, the portable toilet business and public tire recycling. Furthermore, the mitigations called for in that permit have been constructed.

All of the CDI processing activities will take place within the building and as a condition of the Use Permit any materials stored outside will be under cover of a roof or water proof tarp if in a bin.

The cardboard baler is covered by a roof and located on a concrete slab. The bales are stored outside on the concrete slab usually under the roof.

This material will be collected in the southern portion of Sonoma County and in Northern Marin. It is all source separated as CDI, single stream material or cardboard. We assume that 60% of the CDI is reusable or recyclable. More than 95% of the cardboard will be recyclable.

The *Cascadia, November, 2007 Waste Characterization Study* commissioned by the Sonoma County Waste Agency noted that 27.40% of total countywide waste is C&D. This is slightly higher than State characterization studies. Extrapolating material by percentages from the *Cascadia Study*, we expect the following proportions of CDI inbound material:



|                 |                                      |
|-----------------|--------------------------------------|
| Residual: 40%   | Cardboard, paper, plastic, glass: 3% |
| Wood: 40%       | Gypsum: 3%                           |
| Asphalt: 4%     | Metal: 2%                            |
| Concrete: 4%    | Rock, soil, fines: 2%                |
| Green waste: 2% |                                      |

Green waste in CDI loads will be a very minor part of the operation. The *Cascadia* study indicates green waste is 6% of 36.30 % of the Organics stream. That is less than 2% of total material.

The study did not include metals, recyclable glass, cardboard, paper and plastic in the CDI characterization. This material may make up 3% of the total CDI volume'

### **Cal Recycle Permit Required**

Novato Disposal Services will obtain a full Solid Waste permit from Cal Recycle. The facility is inspected monthly for compliance by the Local Enforcement Agency (LEA) which is a part of the Sonoma County Environmental Health Division. The SWFP must be signed off by PRMD as to meeting Use Permit and CEQA requirements.

Once granted, the State permit can only be changed through an amendment process. The purpose here is to highlight that there is another sophisticated level of State (Cal Recycle) permitting with operational conditions which mirror and strengthen the local Use Permit.

### **CDI Operations**

A 20, 30 or 40 cubic yard box is ordered by a customer. It is picked up when full and delivered to the facility. Trucks with bins cross the scale and then back into the building where the load is tipped on the floor. The tipped loads are checked by the tractor operator before being sorted. The material is sorted by tractor and by hand. Some inbound truck trips will drop their load and take bins of sorted material to the end user or processor on the out bound trip. This is to reduce truck trips to the facility. It is chronicled in the Dec. 4, 2012 W-trans letter attached (Ex B) which updates the 2003 letter regarding PLP 02-0072.

There is no chipping, grinding, or Trammel screen proposed with this modification. Materials will be separated by hand and tractor and placed into bins and stockpiled inside the building until a load is constituted-e.g. wood, cardboard, clean sheet rock, green waste, etc. Once the Roll off container is full it is covered with a tarp and transported to a commodities market or end user. At a future date a portable electric sort line such as a Ptarmigan might be added within the building.

Self-hauls and the public are not permitted to use the facility. Residual is removed daily and there is no putrescible or municipal solid waste received.

The crew will clean at the end of each day including picking up any outside litter. No scavenging will be allowed.

Residual will be removed within 24-hours, green waste within 48 hours, and recyclable material may be stored up to 90 days. No material will be stored outside unless stored under roof or in roll off containers covered with a tarp. The following materials may be stored on site until transported to a market: cardboard and paper, glass, wood, metal, drywall, inert materials.

### **Processing Cardboard**

Cardboard is primarily construction related and source separated. It is brought to the site by both front loaders and rear loaders. The load is from an account and the customers are usually known to drivers and administration. The front end loader or bin is dumped on the concrete pad and moved by tractor. Historically, contamination and residual are at a minimum. The cardboard delivery and baling is sporadic throughout the work day and it is cleaned of contaminants (wood boxes, waxed cardboard, plastic) by hand and pushed onto the baler feed by tractor.

Comingled CDI cardboard will be placed in a bin in the Building K and dumped on the baler apron when full.

The Cranston cardboard baler historically can process three (3) to four (4) tons per hour. Material is typically baled in about four (4) hours per day spread out over the work shift. The bales are stock piled under the shed roof or tarped until a load is constituted. It is then loaded on a flatbed trailer and leaves the site when traffic is at a minimum. The baler area is covered by a shed roof.

### **Processing Single Stream**

The trucks gather material from their assigned routes and dump them on the floor. They are then transferred to a larger trailer or bin for transfer to another facility for sorting and baling. They are transferred by tractor from the floor. A portable sort line may be added in the future to sort this material.

This will start as a transfer operation but further sorting is anticipated for the future.

### **Material Load Out**

Bins will be placed around the inside perimeter of the building to hold CDI material including lumber, drywall, metals, masonry (brick, concrete), wire, plastic, pipe, rocks, dirt, paper, cardboard, and green waste. Some material will be placed in the outside covered bunkers. (See Ex. C: Civil Building K Layout April, 2012).

All material will go to a location permitted to take that commodity. Wood and green waste will go to Sonoma Compost or the Soiland facility on Llano Road; metals to Oakland or Sacramento, Ca.; plastics and mixed recycling to Stockton, Ca.; concrete to a local recycle company; asphalt to a local recycle company; clean drywall to Oakland, and, paper and cardboard to Oakland. Most commodity deliveries are to markets in the Bay Area.

### **Surface Drainage and Run- Off Control Plan**

The facility is graded to direct run off to a grass lined bio swale that runs adjacent to, and parallels the property line. The drainage swale was installed as a condition of the Use Permit and directs storm water to the west and a drain inlet (northerly) that ties to the municipal storm drain located in Landing Way. The Civil Design drawings are contained within the PRMD file for UP 02-0072.

Drains installed in Building K are designed to capture all liquids from CDI processing as well as any water from dust control. This is a closed system and the liquid, if any is directed to underground holding tanks. Any water captured in the holding tank is used to irrigate onsite landscaping. As CDI is a dry operation, very little runoff water is generated. Most if not all water from dust control will be 'absorbed' by the inert materials and dust on the floor.

Novato Disposal is participating in the Regional Water Board General Storm Water Permitting program. A storm water monitoring program and Best Management Practices have been implemented to monitor the effectiveness of storm water pollution prevention at the facility.

There is no quench water, process water, or 'wash down' water at the facility. Cleaning will be by sweeping. The site will occasionally be swept by mechanical sweeper.

All drainage plans and pollution control improvements were designed by a civil engineer, Civil Design Consultants, Santa Rosa, California and installed as approved by the County of Sonoma.

The truck wash facility located on-site drains into a holding tank. This is a self-contained closed loop system and the water is recycled for reuse. There is no discharge from the site other than rainwater runoff.

The site is not listed and is not a HazMat site. An underground fuel storage tank, installed by a previous owner, was removed under permit from and cleared by the Sonoma County Environmental Health Department as a part of the recent site upgrade.

The Northwest Pacific right of way and rail bed are adjacent and parallel to the East property line. All structures are above the 100 year flood line.

### **Water and Sewer**

Water for fire suppression and human consumption is provided by North Marin Water District, a public entity.

Waste is discharged to a septic mound system that is monitored monthly by a Registered Sanitarian. The disposal capacity was established by Earth Systems and PRMD Septic Division based upon design construction and the required monthly monitoring program. Currently, there is adequate septic disposal for thirteen fulltime employees (FTE). The fourteen (14) truck drivers are counted as a percentage of FTE and translated into vehicle trips per day as they are onsite for a limited amount of time each day. We are within the threshold of vehicle trips per day calculated for septic loading.

Administrative staff will be transferred to another location when more process workers are needed. This will be done to avoid overloading the septic system.

### **Health and Safety**

The Company is committed to providing a safe and healthful workplace for all employees. Safety training is an important part of the operation. Every new employee is required to go through an orientation to adequately train them in health and safety issues. The training includes topics on:

- Health and Safety
- Protective Equipment
- Emergency Response
- Environmental Compliance

Employees also participate in quarterly safety briefings and are trained in emergency procedures. Topics vary and differ with job function. Sorters are trained to recognize and properly handle medical waste or hazardous material that may be accidentally included in the loads brought to the facility. Equipment and vehicle operators are given training in operating and maintenance instructions. Copies of training records are kept on file at the facility offices.

### **Odor**

There should be little or no odor connected with this operation. No Municipal Solid Waste is allowed and no public tipping occurs. All CDI material received will be from Novato Disposal Services (NDS) accounts. There are no putriscibles in the single stream material as it is source separated. We expect less than one percent putriscible from the CDI which will be isolated into a metal bin and removed from the site daily. State regulation imposes the 1% putriscible limit and directs that they be removed within a 24-hour period.

Green waste will not be received in straight or single loads. Green waste (including brush) will be comingled with some CDI loads. We expect comingled green waste to be below the 2% that *Cascadia* identified in the 2007 Sonoma County Waste Characterization Study. This is because of the aggressive recycle efforts of collectors and Sonoma Compost to capture this material; aggressive green waste collection in the cities; and, that no public tipping is allowed at the site. Green waste will be maintained in a metal box under roof inside the building. The green material is separated from the load and put into a bin as soon as it is picked up from the floor. Piles are not maintained on the floor. Green waste will be removed within 48-hours and before it produces odor. There should be less than three (3) tons green waste per day at maximum operation.

The Sonoma Compost composting site is within 10 miles at the Central Landfill. The material will be put to beneficial use.

The Petaluma Marsh and River are downwind to the east. As there are no nearby residences, the potential odor impact will be less than significant.

## **Dust**

Site dust is minimized because the roads are newly paved with asphalt or concrete. New concrete aprons have been added in front of Building (K), the baler area, and the bin storage areas. The outside storage bin areas are paved. Some long term empty bin storage is in rocked areas. The bio swale on the North property line has plant material maintained in the swale and is designed to mitigate wind borne dust from the site. Traffic and operations take place on paved areas.

Neither cardboard nor single stream processing will generate dust.

There is no grinding or chipping of material. The possible dust produced by operations will be inside of the Building K. Dust would primarily come from the tipping of loads onto the sort floor. Caution will be taken to keep dust off of the floor by regular cleaning and 'brooming'. Hose and spray nozzles will be available for dust suppression during CDI tipping and sorting. The building is plumbed for a mist system and a mist system will be installed prior to processing CDI. The system will be designed by a design professional. Workers will be issued masks along with other safety equipment. Personnel training will include dust prevention techniques as part of the ongoing Safety training program. Cleanup inside of the building will be ongoing.

Material is isolated by type into bins or trailers for transportation to an end user. Residual will usually be taken to Central Disposal site. Material is separated by hand and by tractor. It is usually loaded by tractor into the respective receptacle. Dirt and concrete loads will be taken directly to a recycler or for reuse and not tipped at the facility. Attempts will be made to separate Gypsum board at the work site. Clean gypsum will be recycled. Potential dust producing material can be sprayed with water by hand. Good work habits will reduce significant dust production-e.g. avoid crushing sheetrock with tractor, alerting workers to potential dust producing loads. There will be no drilling mud, bentonite, or chemical enhanced soil accepted at the site.

There are three portals on the North end of the building that will remain open during operating hours. Trucks will back into the building. Dust should not escape the building nor be subject to blowing wind. The mist system should suppress any dust from normal operations.

The Bay Area Air Quality Management District does not require a permit for CDI and Recycle operations of this magnitude when no grinding or crushing is involved. The facility will comply with any BAAQD directives.

## **Fire**

The Fire Prevention Plan was signed off by Rob McIntyre, Sonoma County Assistant Fire Chief Fire Marshall on August 20, 2011. The facility is located in the San Antonio Volunteer Fire Company jurisdiction. There are quarterly inspections by County Fire Services. The closest San Antonio fire station is located about 150 feet from the facility.

There is a fire suppression system installed in building K as approved by the County of Sonoma. It is a pressurized system serviced by the North Marin Water District. Two fire hydrants were installed on site as part of the recent

Use Permit upgrades. The building system and hydrants are inspected to insure that pressure and service requirements are met.

Fire and Safety standards are followed in the garage operations. Oils and greases are separated into approved containers for recycling. They are maintained according to regulation. Smoking is only within designated areas. Fire extinguishers and spill lockers are maintained on site in designated locations.

### **Traffic and Circulation**

Onsite traffic is reduced by the elimination of the activities outlined above. The only public access to the site is to the administration area at the North end of the property. When admin staff is moved, there will be no public access. All other traffic is to the south of the site including the proposed CDI operation.

As part of the 2005 Use Permit process W-Trans conducted a traffic analysis of the operation proposed at 500TPD finding that maximum operations would result in 190-214 trips per day. W-Trans concluded this number of trips was a "less than significant" impact on traffic in the applicable area of analysis. Certain street and circulation improvements were required and have been achieved or bonded for consistent with the specific conditions adopted when the Use Permit was approved in 2005.

The proposed modification results in total traffic within the limit analyzed by W-trans:

#### **Total Daily Site Traffic**

##### Inbound trips:

|  |    |
|--|----|
| CDI Trucks (130 TPD at 4.2 tons per truck (TPT)      | 62 |
| Single -Stream Collection Trucks (140 TPD @ 4.2 TPT) | 66 |
| Cardboard Trucks (25TPD @4.2 TPT)                    | 12 |

##### Outbound trips:

|   |           |
|---|-----------|
| Removal of CDI Residual Waste (130TPD x.40 @ 20 TPT)          | 6         |
| CDI Material to Market Trucks (130TPDx .20 @ 4.2 TPT)         | (-12)     |
| CDI Wood trailer (130TPDx.40@ 20TPT)                          | 6         |
| Transfer Trucks: Single Stream Recyclables (140 TPD @ 20 TPT) | 14        |
| Visitors (after Admin moved)                                  | 4         |
| <u>Employees</u>  | <u>39</u> |
| Total daily trips:  | 213       |

TPT=Tons per Trip; TPD=tons per Day;

(-12)= Material leaves on truck that brought material into facility and is counted only once as inbound and once as outbound reducing the 'deadhead' trips. Eventually that driver returns with a bin of material completing the cycle. (See W-trans Dec. 4, 2012 letter).

### **Diesel Emissions**

Erickson Energy and Environment submitted an analysis dated April 7, 2012 that analyzes the reduction in diesel particulate matter. It is estimated that the fleet has reduced emissions from 270 pounds per year of DPM to 23 pounds per year post vehicle retrofit.

### **Green House Emissions**

The analysis of GHGs by Erickson indicate that the traffic and material processing generation of GHGs pre and post Use Permit modification are not a factor as these functions remain the same. That is, no change from traffic and processing.

However, the diversion of organics from the landfill is a known factor in preventing GHGs. Both State and local GHG reduction strategies depend upon bringing land fill generated gases under control. Diversion of organics from the landfill is a key to GHG reductions. The CDI diverted by this proposal will result in a reduction of GHGs generated by landfilling the same material by a factor of 80% (Erickson p.4). One can only conclude that this modification is positive for reducing Green House Gases.

### **Station Improvements**

There were many station improvements conditioned as per the Use Permit. This included paving of the site, frontage landscaping and changes in the driveway and street access. The site is accessible via all surface roads during wet and dry weather periods. Building K is a new metal building designed for recycle operations.

A signage plan conforming to the County planning standards has been implemented to ensure safe operations. A Sign is now located at the entrance to the facility with hours of operation, facility operator, not open to the public, speed limit and facility telephone number.

The facility is screened at all property lines by landscaping, walls and fencing. All conditions of Use Permit PLP02-0072 have been implemented except certain street frontage and some landscape improvements. A Design Review plan is adopted and is implemented. Cal Trans is altering the street frontage at Landing Way and on Petaluma Blvd South necessitating delay. Landscaping will not be completed in that area until the CalTrans project is completed. There is a bond to insure installation.

The site is secured by a perimeter fence, wall or a combination of the two. Access is controlled through the gated entrance and exits. Gates are closed during hours when waste is not received.

The scale area has been improved and paved. The queue is adequate on site to avoid any trucks queuing on Petaluma Blvd South.

### **Vectors**

Bird and Animal Control: Control begins with cleanliness. Material will not be stored on site to attract rodents. As there is no MSW, birds should not be attracted. Birds will be controlled with mimicry of predators and distress calls if they should become a nuisance. The site is fenced to exclude domestic and feral animals.

### **Waste Quantities**

If this amendment is allowed, the facility will process 140 TPD of single stream material, 130 TPD of CDI materials, and 25 TPD of cardboard. This is within the 2005 Use Permit allocation of 500 TPD. We do not expect to process the maximum tonnage of CDI for a few years. Processing employees will be added as material amounts increase.

However, if the maximum quantity (130TPD) were received for 365 days per year, that would be 47,450. We assume a recycle/reuse rate of sixty (60) percent for CDI. This is 2,373 tons per month ( $47,450 \times 60\% / 12$ ) of recycled material. At a residual rate of forty (40) per cent, this is 1,582 tons of residual per month ( $47,450 \times 40\% / 12$ ). The residual is top loaded into a fifty-five foot trailer within the building. At maximum capacity, there would be three (3) trailers per day.

In the beginning, wood will be loaded into 20 cubic yard boxes and taken out by one of NDS inbound trucks on the outbound leg. Wood is the most prevalent material by volume and it will also be loaded into a 55 foot trailer and we anticipate five (5) outbound trailers at peak capacity of 130 TPD using the same calculation as for residual.

Twenty-four (25) TPD of cardboard will allow the material generated in the South County to be processed at this facility. Cardboard generates about five (5) per cent residual. This is slightly over one ton per day and will not increase the outbound traffic estimates as the residual will be taken out by an inbound truck. We would therefore not anticipate more than 30 tons per month of residual.

Up to 140 tons per day of single stream material will be processed within the building. It will be tipped behind K-rail barriers and loaded by tractor into a trailer. This material will be brought in by smaller load and transferred out in larger trailers.

The floor is designed to accommodate a maximum of four (4) vehicles tipping simultaneously. The CDI operation will be separated from the single stream material. Given a five minute tipping time, forty-eight (48) vehicles could tip in a given hour.



### **Number of Employees**

The existing Use Permit allows 27 employees but the current sewage disposal system capacity limits employees to 13. The proposed operation is within this limitation and is no change from the current approved conditions of operation. Administrative personnel will be moved off site and replaced with CDI workers.

### **Safety Equipment**

Workers are given safety training and hard hats, reflective vests, gloves and safety boots must be worn by employees working on the yard at the facility. Dust masks will be available in the CDI building. The garage, Administration and Building K are equipped with first aid supplies.

Hazardous waste response equipment is located in a spill response locker to be used for emergency response. This equipment typically consists of absorbent, brooms, 55 gallon drums, protective gloves, clothing, and goggles.

An eyewash station will be installed in Building K prior to CDI operation. There is currently an eyewash station in the garage.

### **Hazardous Waste Load Check Program**

The facility does not intentionally accept or store hazardous materials including batteries, oil, fluorescents, Treated Waste Wood, paint and special waste. The education with the customer begins with the call for service as they are told what is prohibited. The prohibited material is listed in the contract. If discovered on the tipping floor, the material will be segregated and placed in special containers according to category:

- Flammable and combustible
- Oxidizers
- Poisons
- Corrosives (acids)
- Corrosives (bases)

We expect that some Treated Waste Wood, fluorescent lights, and mercury switches may be found in occasional loads. This material will be placed in an appropriate receptacle. Should refrigerators and appliances containing mercury be tipped, they will be stored until there is enough volume to call a certified company to remove the Freon or mercury. It will be removed within 30-days in any case.

The tractor operator spreads the load and observes the material. The floor staff is trained to spot prohibited material. If prohibited material is discovered, the tractor operator must make an evaluation of the situation to determine the necessary steps to ensure worker safety. The driver is instructed to call the Site Manager if any material is discovered that appears to be hazardous or flammable. Protocols for handling hazardous material will be posted on site.

One load per quarter will be pulled apart and inventoried to determine constituents. This will serve as a spot load check exercise. It will also serve as a training exercise for floor workers. This exercise should take about twenty minutes.

Should a dangerous situation exist, the appropriate local agencies including fire, Health and HazMat Division of Sonoma County, and the Sonoma County LEA will be notified immediately. A 911 call will be made in the event of immediate danger, serious injury, or fire.

A Hazardous Material locker is near the garage. Oil storage is behind the garage. The new storage lockers will be added to the C&D building, the precise location and type to be determined in consultation with the Local Enforcement Agency (DHS).

### **Medical waste**

The facility does not accept medical waste. Should medical waste be discovered in a load it will be rejected. If dumped on the floor, it will be cordoned off, operations shifted to another part of the floor and the Sonoma County DHS/LEA will be called. If the determination is made the waste is a hazard, a licensed medical waste hauler will be called.

Over the counter drugs will be placed in a special container for appropriate disposal. Any needles will be placed in an appropriate red box receptacle.

### **Site Security**

The facility is enclosed by a fence or wall the length of the parameter. Ingress is through a controlled access gate (scale house) and the public does not visit the processing area. The public is only allowed at the administration building and is guided by signs. During hours when waste is not received, entrance gates are closed to the public.

### **Conclusion:**

PLP 02-072 allows 500 TPD of recycle material to be processed in a "light processing facility." That Use Permit permitted "metal and tire" recycling as a part of those operations to be conducted within a newly constructed 12,000 square foot building. Substituting CDI material for metal and tire recycling is within the CEQA analysis provided for that Use Permit since the operation is entirely within a building. This is particularly true in that NDS will eliminate the portable toilet business, public tire recycling, and the public buyback component. Two of those operations eliminated were to be conducted outside. This will lessen environmental impacts analyzed in the original application particularly with respect to traffic, number of employees and site runoff. The Planning Commission agreed with this position. That decision was appealed to the Board of Supervisors.

Novato Disposal Services now applies for a modification to the Use Permit. This is to clarify future operations in order to meet the services needs of

the South County and Marin. Novato Disposal Services believes that this will allow better service to the public, meet County waste diversion and Green House reduction goals.

Attachments:

Site Plan

Ex. A: Civil Design Consultants Building K Layout

Ex. B: Civil Design Consultants Building K Circulation

Ex. C: W-trans letters of Dec. 12, 2012

Ex. D: Erickson Energy and Environment DPM Analysis

Ex. E: Erickson Energy Green House Gas Analysis

**Novato Disposal Service, Inc.**

P.O. Box 1916  
Santa Rosa, CA 95402

October 15, 2013

Mr. Ken Ellison, Supervising Planner  
Sonoma County PRMD  
2550 Ventura Avenue  
Santa Rosa, Ca. 95403

RE: Novato Disposal Services,  
Proposed Amended Hours for Requested Amendment to  
PLP02-0072 (ADA10-0005)

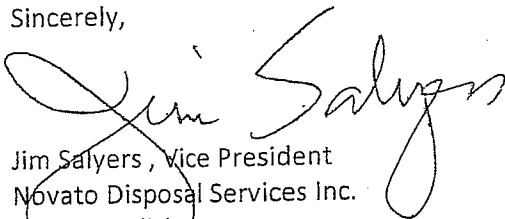
Dear Mr. Ellison,

Please accept this request to amend the requested hours of operation for the Novato Disposal Services (NDS) use permit application to twenty-four (24) hours per day, seven (7) days per week.

This will allow NDS sufficient flexibility to meet changing Bay Area and local transportation and processing demand. Given that there are caps on the total amount of material processed, this change should decrease any potential impact associated with the shorter hours.

Please do not hesitate to call if you have any questions t 707 586-5533.

Sincerely,



Jim Salyers, Vice President  
Novato Disposal Services Inc.  
3417 Standish Ave  
Santa Rosa, Ca. 95472

# Indemnification Agreement

PJR-011

"As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in conjunction with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the County. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect."

**James Salyers, Vice President**

Applicant Name

Applicant Signature

**Novato Disposal Services**

Owner Name

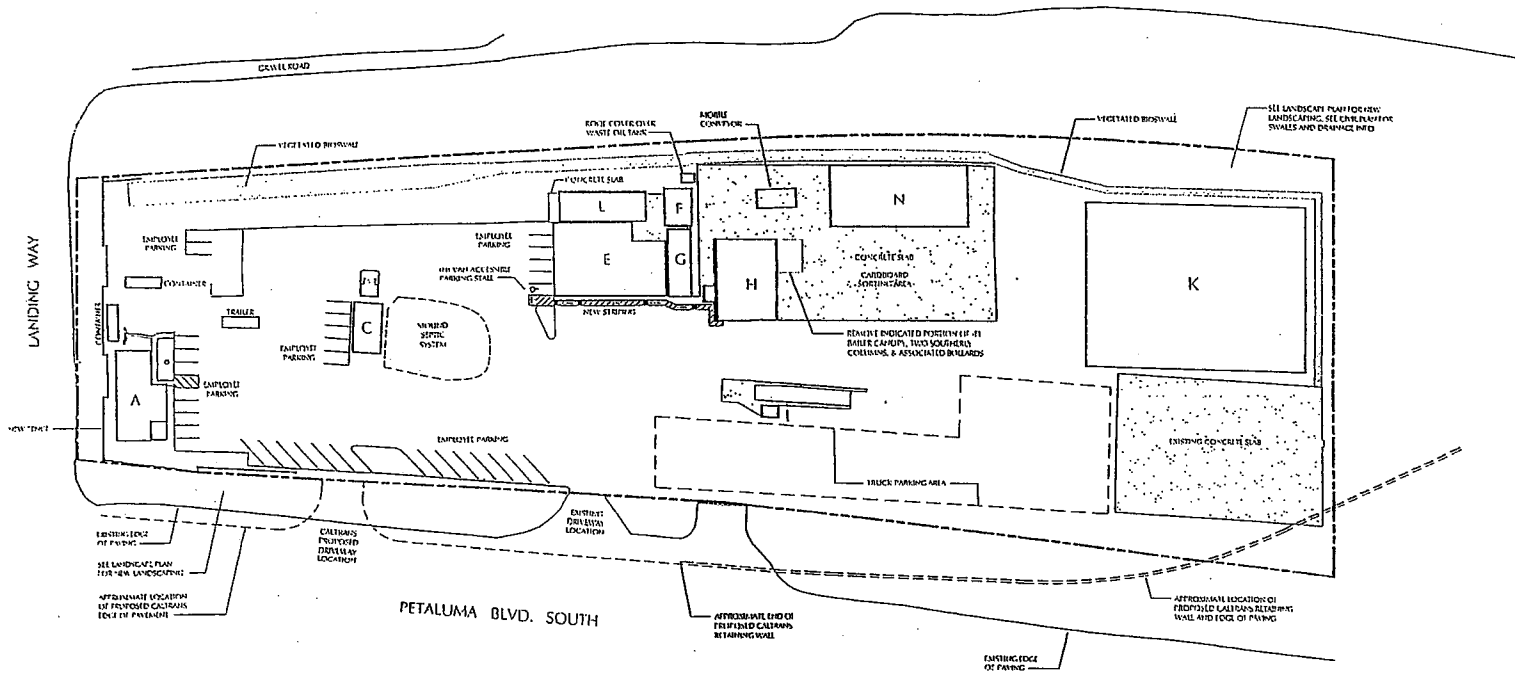
Owner Signature

**December 5, 2012**

Date

File No.

NOTE: The purpose of the Indemnification Agreement is to allow the County to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.



**BUILDING LEGEND**

- A - OFFICE
- B - NOT USED
- C - DISPATCH
- D - NOT USED
- E - MECHANIC SHOP
- F - TIRE SHED
- G - PAINT BOOTH
- H - BAILER CANOPY
- I - WEIGH SCALE SHED
- J - NOT USED
- K - TIRE & METAL RECYCLING BUILDING
- L - PROPOSED CANOPY OVER VEHICLE WASH AREA
- M - NOT USED
- N - PROPOSED CANOPY OVER RECYCLE SORTING BUNKERS

**NOVATO DISPOSAL**  
2543 PETALUMA BLVD. SOUTH, PETALUMA, CALIFORNIA

**SCHEMATIC SITE PLAN**

SCALE: 1" = 40'-0"



**TIERNEY/FIGUEIREDO**  
1075 BAYVIEW AVE. SUITE 110, SAN FRANCISCO, CALIFORNIA  
415.774.4000 FAX: 415.774.4001  
**ARCHITECTS AIA**

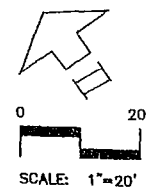
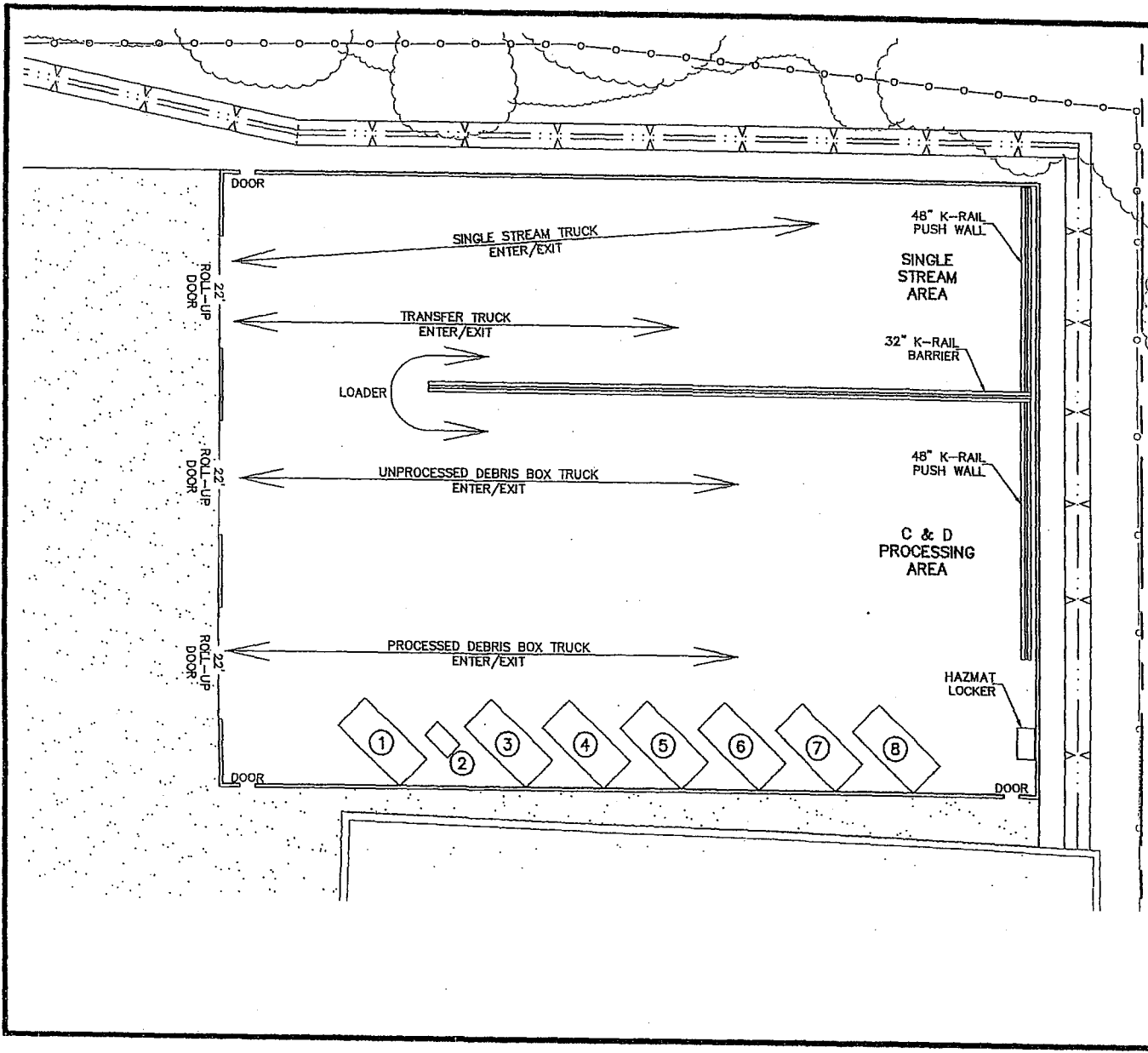
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**Exhibits for Novato Disposal Service**

**Amended Use Permit**

**12/12/2012**

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**DEBRIS BOX LEGEND:**

|   |                     |       |
|---|---------------------|-------|
| 1 | RESIDUAL            | 20 CY |
| 2 | METAL               | 4 CY  |
| 3 | CARDBOARD           | 20 CY |
| 4 | WOOD                | 20 CY |
| 5 | ORGANICS            | 20 CY |
| 6 | SHEETROCK           | 20 CY |
| 7 | GREEN WASTE         | 20 CY |
| 8 | MIXED PLASTIC/FIBER | 20 CY |



CIVIL DESIGN CONSULTANTS, INC.  
 2543 PETALUMA BOULEVARD SOUTH  
 PETALUMA, CA 94952  
 (707) 464-4400

BLDG. K INTERIOR LAYOUT  
 NOVATO DISPOSAL  
 2543 PETALUMA BOULEVARD SOUTH

APRIL 2012

JOB NO.  
02-104

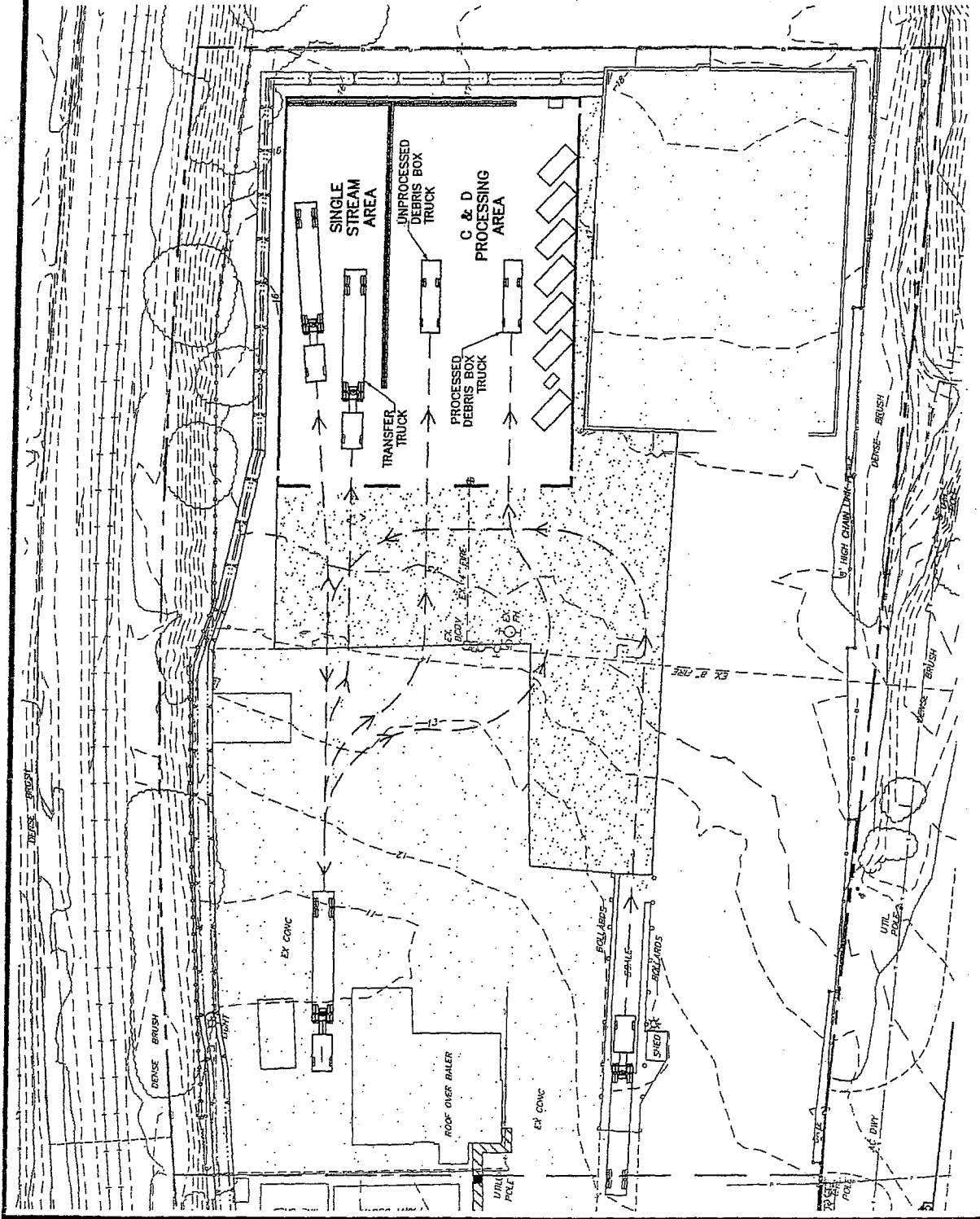
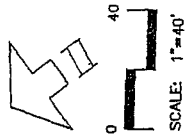
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**1**

OF 2 SHEET

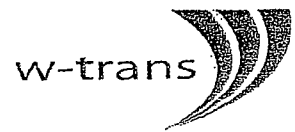
Exhibit A





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Exhibit B



December 12, 2012

Mr. Jim Salyers  
Novato Disposal Services Inc.  
P.O. Box 1916  
Santa Rosa, CA 95402

Whitlock & Weinberger  
Transportation, Inc.

490 Mendocino Avenue  
Suite 201  
Santa Rosa, CA 95401

voice 707.542.9500  
fax 707.542.9590  
web [www.w-trans.com](http://www.w-trans.com)

### **Novato Disposal Services Facility Trip Generation Evaluation**

Dear Mr. Salyers;

Whitlock & Weinberger Transportation, Inc. (W-Trans) has completed an evaluation of the anticipated trip generation for the Novato Disposal Services facility at 2543 Petaluma Boulevard South. This evaluation is based on our previous *Traffic Impact Study of the Novato Disposal Services* dated November 4, 2003, together with our discussions. Further, we have received the Use Permit Modification letter from Mr. Eric Koenigshofer to Sonoma County's Permits and Resource Management Department dated September 28, 2012.

We understand that the proposal will remove several uses currently permitted on the site such as recycling buy-back, portable toilet rental and used tire recycling and replace these with construction demolition and inert debris processing. The current use permit allows up to 500 tons of recycling per day with an approved trip generation of up to 214 vehicle trips per day. The purpose of this evaluation was to determine if the proposal will result in additional traffic being generated above that which has already been approved.

Information contained in the use permit application was reviewed. In general, we agree with the projections provided as they are reasonable for operation of this type of facility. The data shows that 295 tons of material is expected to arrive daily at the site, including 130 tons of construction demolition and inert debris (CDI), 140 tons of single stream waste and 25 tons of cardboard. However, the data only shows 270 tons per day leaving the site that including the 130 tons of construction demolition and inert debris in the form of refuse (40 percent of the total 130 tons), recyclables (20 percent) and wood (40 percent) and 140 tons of single-stream recyclables. The 25 tons of cardboard were not accounted for in the materials leaving the site. Based upon our experience evaluating other recycling operations, it can be expected that the 25 tons of cardboard will be consolidated and leave the site on one truck carrying 20 tons with the remainder accumulated and loaded on a second outbound truck every fourth day. Also, it is be expected that there will be other trips for delivery of repair parts, fuel and supplies necessary for the operation of the site. Trips made to the site for support services will occur randomly throughout a typical week and will cumulatively result in one additional round trip per day.

The operation of refuse processing at the site can reduce the number of overall truck trips by linking outbound trips with inbound trips. Outbound CDI truck trips hauling material to markets leave loaded and after unloading pick up a loaded container at a job site before returning to the facility. These linked trips reduce the number of inbound CDI truck trips by a number equal to the outbound CDI to market truck trips. These linked trips reduce the overall truck trips to and from the facility.

Table I presents the number of daily trips that each of the proposed site uses are expected to generate, including employees and visitors as well as the material arrival and departure. Trips are divided into those for receipt of materials, hauling processed materials away from the site, and other deliveries and passenger vehicles.

Exhibit C

**Table I  
Expected Daily Trips**

| <b>Site Use</b>  | <b>Vehicles</b> | <b>Project Driveway Trips</b> |
|--|-----------------|-------------------------------|
| <b>Trips to Receive Materials</b>                                      |                 |                               |
| CDI Trucks (130 TPD at 4.2 TPT) <sup>1</sup>                           | 31              | 62                            |
| Single-Stream Collection Trucks (140 TPD at 4.2 TPT)                   | 33              | 66                            |
| Cardboard Trucks (25TPD at 4.2 TPT)                                    | 6               | 12                            |
| <b>Trips to Ship Materials</b>   |                 |                               |
| Removal of CDI Residual Waste (40% of 130 TPD at 20 TPT)               | 3               | 6                             |
| CDI Material to Market Trucks (20% of 130 TPD at 4.2 TPT) <sup>1</sup> | 6               | 12                            |
| CDI Wood trailer (40% of 130 TPD at 20 TPT)                            | 3               | 6                             |
| Transfer Trucks: Single Stream Recyclables (140 TPD at 20 TPT)         | 7               | 14                            |
| Cardboard Trucks   | 1               | 2                             |
| <b>Other Trips</b>   |                 |                               |
| Linked CDI Trips (Material to Market – Inbound CDI)                    | -6              | -12                           |
| Miscellaneous Deliveries   | 1               | 2                             |
| Visitors   | 2               | 4                             |
| Employees (13 emp x 3 trips/day/emp)                                   |                 | 39                            |
| <b>Total daily trips</b>   |                 | <b>213</b>                    |

Notes: TPD = Trucks for Day; TPT = Tons per Truck; <sup>1</sup> Trips that are linked; emp = employees

The trip generation developed for the site, including all of the existing and proposed used, averages 213 trips per day. The projected 213 daily trips to and from the site is less than the 214 trips that are currently permitted.

### Conclusions

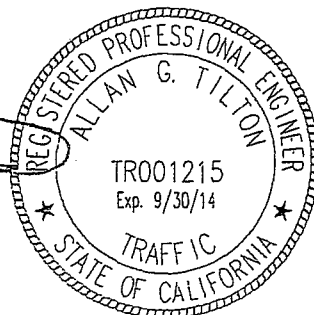
The projected trip generation of 213 trips is less than the maximum permitted over the current permit. It is further concluded that the traffic analysis and resulting conclusions and recommendations as identified in the November 4, 2003, *Traffic Impact Study* remain valid with this proposal.

We appreciate the opportunity to assist you with this evaluation and look forward to working with you in the future.

Sincerely,



Allan G. Tilton, PE  
Senior Associate



AGT/djwSOX152.L4

Erickson Energy and Environment  
10355 Burgandy Way  
Sebastopol, CA 95472

December 12, 2012

Ken Ellison, Supervising Planner  
Sonoma County PRMD  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Dear Mr. Ellison,

This is a report on findings related to emissions of Diesel Particulate Matter (DPM) from the Novato Disposal Services Solid Waste Collection Vehicle fleet.

### **Background**

#### *Solid Waste Collection Vehicle Rule*

California's solid waste collection vehicle rule was passed to reduce the harmful health impacts of exhaust from diesel-fueled waste collection trucks. This rule requires owners to use ARB verified control technology that best reduces emissions of DPM and NOX. The rule specifies a phased-in schedule for retrofitting existing vehicle fleets from 2004 through 2010.

#### *Ultra-Low Sulfur Diesel (ULSD)*

Switching to fuels that contain lower levels of sulfur reduces PM and enhances the effectiveness of retrofit technologies. Emissions reductions from ultra-low sulfur diesel (ULSD) alone will vary depending on the application, level of sulfur reduction, and other fuel characteristics, such as cetane number and aromatics. ULSD is required by EPA regulation beginning in 2007 for highway use.

#### *Clean Diesel Technology Engine Requirements*

The (Federal) 2007 Highway Rule requires that diesel vehicles produced starting in model year 2007 will meet a PM emissions standard of 0.01 grams per brake-horsepower-hour. Compliance with this standard will be phased-in for manufacturers such that all new diesel vehicles will meet this standard by 2010. Standards for NOX and NMHC were also set. Engine technology changes required to meet these standards are collectively known as "Clean Diesel Technology." These engines are designed to operate using ULSD fuel.

Exhibit D

**Novato Disposal Services Collection Vehicle Status**

There are 12 trucks assigned to NDS. Beginning in 2006, the trucks were retrofitted with the following DPM filter types:

- 6 trucks received Clear Longview level 3 filters
- 4 trucks received Donaldson level 1 filters and 2 received level 3 filters

They were retrofitted as follows:

- 2006- 7 trucks retrofitted
- 2007- 1 truck retrofitted
- 2008- 4 trucks retrofitted

All trucks are currently fueled with ULSD.

The following are results from runs of the CARB EMFAC2007 software which estimates emissions from various vehicle types and model years. These results indicate the PM emissions rate (grams/mile) from heavy duty diesel trucks in model year 2000 (pre-retrofit, non-ULSD) and model year 2010 (post-retrofit, ULSD). These results are meant to be illustrative only, not actual results from the NDS fleet. As shown, the combination of ULSD and DPM filter produces an 85% - 90+% reduction in PM10.

| Pre-retrofit    |       | Post-retrofit   |       |
|-----------------|-------|-----------------|-------|
| Pollutant Name: | PM10  | Pollutant Name: | PM10  |
| Speed           |       | Speed           |       |
| MPH             | HDT   | MPH             | HDT   |
| 0               | 1.089 | 0               | 0.113 |
| 5               | 2.153 | 5               | 0.046 |
| 10              | 1.381 | 10              | 0.042 |
| 15              | 0.824 | 15              | 0.038 |
| 20              | 0.513 | 20              | 0.035 |
| 25              | 0.399 | 25              | 0.034 |
| 30              | 0.312 | 30              | 0.034 |
| 35              | 0.253 | 35              | 0.036 |
| 40              | 0.22  | 40              | 0.039 |
| 45              | 0.214 | 45              | 0.044 |
| 50              | 0.235 | 50              | 0.05  |
| 55              | 0.283 | 55              | 0.057 |
| 60              | 0.358 | 60              | 0.066 |
| 65              | 0.46  | 65              | 0.076 |

December 12, 2012

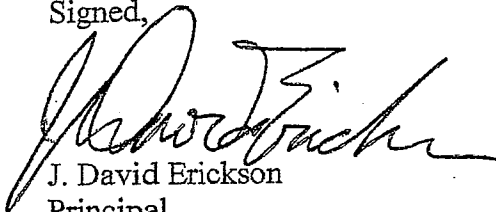
Page 3

Using CARB assumptions for collection vehicles,

- 15,635 mi per year per truck (50% town, 50% highway)
- 1 g/mi rate for town, 0.32 g/mi rate for highway: pre-retrofit/ULSD
- 0.0853 g/mi rate for town, 0.026 g/mi rate for highway: post-retrofit/ULSD

I estimate that the NDS fleet produced 270 pounds per year of DPM pre-retrofit (prior to 2006), and 23 pounds per year post retrofit (after 2008).

Signed,



J. David Erickson  
Principal  
Erickson Energy and Environment

cc: Ernie Carpenter  
Jim Salyers

Erickson Energy and Environment  
10355 Burgandy Way  
Sebastopol, CA 95472

December 12, 2012

Ken Ellison, Supervising Planner  
Sonoma County PRMD  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Dear Mr. Ellison,

This is a report on findings related to the greenhouse gas emissions impact of the Novato Disposal Services Use Permit Modification for project site located at 2543 Petaluma Blvd South, Petaluma.

**Background**

*Existing Use Permit*

This Use Permit Modification applies to existing use permit PLP 02-0072. The current permit allows for a variety of uses including processing of up to 500 tons per day (TPD) of single stream, source-separated recycled material. Additional permitted uses include: a) an "open to the public" recycling buy-back center; b) a vehicle maintenance facility including a paint booth and vehicle washing facility; c) equipment storage yard; d) indoor tire and metal recycling; e) outdoor storage of portable toilets; f) outdoor sorting, storage and baling of paper, cardboard and aluminum cans as well as administration services for Novato Disposal Services which are located on site.

*Proposed Modification*

The modifications of permitted operations include elimination of the following:

- 1) Public recycling buy-back/drop off business.
- 2) Portable toilet rental business
- 3) Used tire recycling

These permitted operations were not implemented at the site.

The Modification also requests the addition of facilities to process 130 TPD of Construction Demolition and Inert debris (CDI). This is material that is currently going to landfill.

Exhibit E

## **Greenhouse Gas Emissions Impact Discussion**

### *Overview*

The operation described in the NDS Use Permit Modification has two primary sources of greenhouse gas emissions:

- Transportation
- Electrical Energy Use
- Onsite operations fuel use

The operation also conducts activities that reduce greenhouse gas emissions on behalf of the community primarily by:

- Recovering recyclable material. This reduces greenhouse gas emissions associated with energy use in manufacturing using virgin raw materials.
- Diverting organic material from the landfill. Organic material when buried in an oxygen-deprived environment supports the growth of anaerobic bacteria. These bacteria produce methane as a waste product, which is emitted from the landfill as "landfill gas". Diverting organic material from burial in a landfill can significantly reduce the overall greenhouse gas emissions generated by a community.

*Net changes in GHG emissions due to implementing changes proposed in the Use Permit Modification related to direct operations of facility*

### Transportation

According to the Modified Use Permit, trips per day into and out of the facility will remain within the originally permitted range of 190-214 trips per day. Thus for the purposes of this analysis, there is zero net GHG impact due to vehicle trips under the modification.

### Electricity and Onsite Fuel Use

The Modified Use Permit indicates that the existing building and heavy equipment will be used to process the CDI. It is not anticipated that there will be significant change in onsite fuel use or building energy use. No additional processing equipment will be used.



*Net changes in Community GHG emissions due to recycling processing*

Recycling material diverted from the municipal solid waste stream can reduce Community Scope 3 GHG emissions<sup>1</sup> by reducing the need for virgin materials used in manufacturing. Scope 3 emissions are an indirect, “supply-chain” related source of emissions that are accounted for in a broader GHG impact analysis than is usually conducted for community GHG inventories at present.

Neither the cardboard recycling operations nor the single stream recycling operations conducted at the facility are changing. The volume of material that is processed will be the same so there is no net change in Scope 3 emissions. There is no net change in material diverted from landfill by source separated recycling for either cardboard, or single stream recycling operations.

*Net changes in GHG emissions due to CDI processing*

The addition of CDI recycling under the Use Permit modification will produce a net reduction in the direct (Scope 1) Community GHG emissions due to diversion of organic material from the landfill. Currently, the CDI that will be processed at this material is going to landfill. As shown in Table 1, there is a significant organic content that will be recovered in the recycling operation (Wood, green waste, cardboard/paper). Based on the processing amount of 130 TPD, over 1600 tons per month or approximately 20,000 tons per year of organic material will be diverted from landfill.

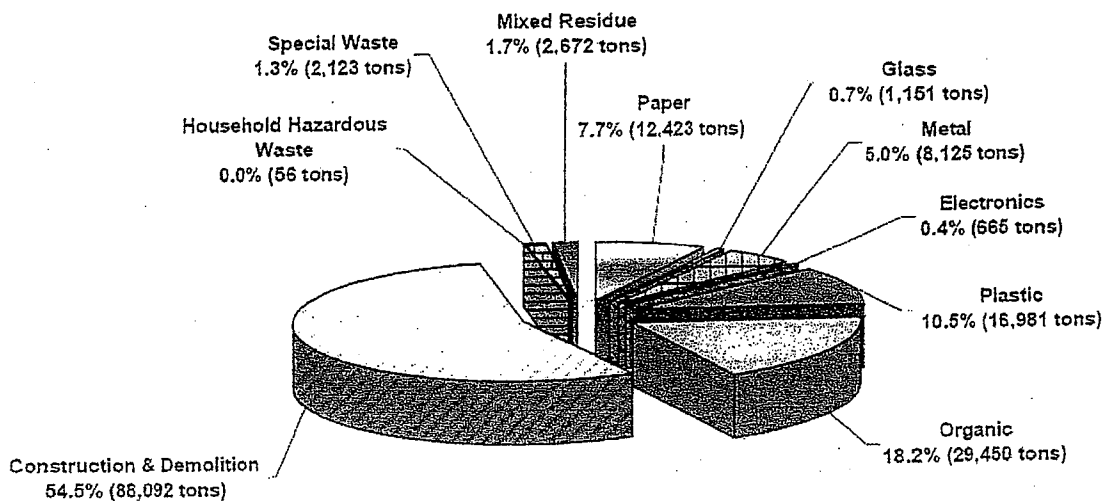
Table 1

|                 |                                      |
|-----------------|--------------------------------------|
| Residual: 40%   | Cardboard, paper, plastic, glass: 3% |
| Wood: 40%       | Gypsum: 3%                           |
| Asphalt: 4%     | Metal: 2%                            |
| Concrete: 4%    | Rock, soil, fines: 2%                |
| Green waste: 2% |                                      |

<sup>1</sup> Refer to the Scope 3 GHG Accounting Protocol:  
<http://www.ghgprotocol.org/files/ghgp/public/Corporate%20Value%20Chain%20%28Scope%203%29%20Accounting%20and%20Reporting%20Standard.pdf>

As shown in Figure 1, the residual from CDI processing includes approximately 26% organic material and paper, or 4745 tons per year. This will continue to be landfilled. Overall, this represents a reduction of 80% in the GHG impact of the CDI. This is based on a total organic content of 55% in the input CDI (26,000 tons per year), versus 10% of total input CDI (4745 tons per year of residual organics) going to landfill after recovery of recyclable material.

**Figure 1<sup>2</sup>**  
**Summary of Composition of Residuals - MRFs Receiving Construction and Demolition Materials, 2005**



Signed,

J. David Erickson  
Principal  
Erickson Energy and Environment

cc: Ernie Carpenter  
Jim Salyers

<sup>2</sup> Characterization and Quantification of Residuals from Materials Recovery Facilities  
<http://www.calrecycle.ca.gov/WasteChar/PubExtracts/34106005/ExecSummary.pdf>

January 9, 2013

Sonoma County PRMD  
2500 Ventura Ave  
Santa Rosa, Ca. 95403

Attn: Ken Ellison  
Re: Septic Use at Novato Disposal Service  
PLP02-0072

Dear Mr. Ellison,


I do not have electronic copies of the correspondence between Mr. Barry Ruderman, Earth Systems, and Robert Swift, REHS, Well and Septic Division Supervisor, now retired. They are attached as hard copy. Essentially, as part of PLP02-0072, Novato Disposal Services was required to establish capacity of the mound system installed in 1988. Meetings were held and two letters were written which established this capacity. One, March 6, 2010 from Barry Ruderman, REHS to Swift establishes his estimates of capacities, and then Bob Swift's March 22, 2010 reply which the County has used since for establishing the mound capacity.

Basically, even though UP02-0072 allowed twenty-seven (27) full time employees (FTE), the septic disposal capacity limited total employees to thirteen (13). Further, the truck trips were counted as percentages of FTE. The material base-e.g commodities may change but we believe the truck trips remain within the threshold.

As to when NDS would move the administrative employees off site and back fill with CDI workers, it will happen the day before the first load of CDI arrives. That is, prior to commencement of CDI operations the administrative employees will be replaced with CDI workers.

It should be noted that there was 15% additional capacity (freeboard) in the system after resolution of employees and trips. Also, Mr. Ruderman has monitored the system monthly for a number of years and this monitoring will continue. Those reports are submitted to well and septic. Should you desire more information or clarity from Mr. Ruderman, we can request that information.

Sincerely,

  
Ernie Carpenter  
4945 Ross Road  
Sebastopol, Ca. 95472  
Consultant to NDS  
(707) 479-2232  
Cc: Eric Koenigshofer  
Attachments (2)



**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

2550 Ventura Avenue, Santa Rosa, CA 95403-2829  
(707) 565-1900 FAX (707) 565-1103

Date: March 22, 2010

To: Mr. Barry Ruderman  
Earth Systems  
1220 Fourth Street  
Santa Rosa, Ca 95404

Re: Novato Disposal Services CDI Processing and Recyclables Transfer Facility  
2543 Petaluma Blvd South  
Petaluma, CA; APN:019-220-038  
Request for Service: Findings Report Review SEP10-0122

Dear Barry:

I have reviewed your March 6, 2010 Findings Report and our files and offer the following comments:

The mound system was originally designed and installed in 1988 for a permitted peak daily loading of 404 gpd based on 15 employees @ 15 gpd, 12 drivers @7.5 gpd and 89 gpd truck wash wastewater discharge =404 gpd.

In February, 2007, in response to PLP02-0072 to legalize and expand the existing facility, you met with Bob Herr and agreed on a calculated wastewater loading rate for the 12 part time truck drivers and 18 full time employees. Note: The truck wash is a closed loop system and does not discharge to the system. Therefore, 17 full time staff (9 office, 6 shop, 2 operations) @15 gpd and 12 part time drivers @7.5 gpd =345 gpd as the calculated wastewater contribution to the system.

The number of full time employees on-site is proposed to be reduced from the current 17 (9 office, 6 shop, 2 operations) to 13 (5 office, 4 shop and 4 operations). As we agreed during our February 2, 2010 meeting and as you note in your March 6, 2010 Findings Report "...instead of counting the individual truck drivers, it would be more accurate to count the vehicle trips, which is delineated in the CDI Transfer/Processing Report." The inbound and outbound vehicles and visitors are typically on-site for a short period of time and not all are expected to use the restroom facilities.

Table 4 of the Transfer/Processing Report indicates a total of 93 vehicles per day (10 visitors and 70 combined inbound and outbound trips per day). The 13 employee vehicle trips are not counted. Therefore, commercial vehicle and visitor vehicle trips @1.875 gpd per vehicle=150 gpd and 13 full time employees @15 gpd = 195 gpd, a calculated flow of 345 gpd, no change from the previously accepted calculated

wastewater flow.

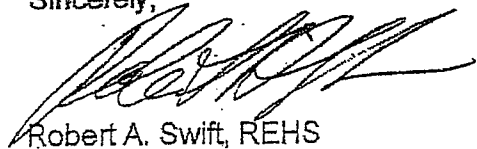
As you note in your report, this calculated flow is only 85% of the permitted use of 404 gpd and the actual use, based on data from the monitoring reports, indicate an average wastewater flow of 200 gpd, less than 50% of the permitted design capacity of 404 gpd.

Using a more conservative 2.5 gpd per vehicle trip, in conjunction with the proposed overall reduction in full time staff from 17 to 13 employees, indicates a calculated waste flow of 395 gpd, still less than the permitted 404 gpd design capacity of the system.

With continued maintenance and operation of the system, I concur with your findings and recommendations. If not already done, I would also recommend the installation of low flow fixtures. It appears the existing mound is capable of handling the proposed change/expansion of use without detriment to the system.

~~Please contact me at 565-1680 if you should have any questions.~~

Sincerely,



Robert A. Swift, REHS  
Well & Septic Division Supervisor

cc. Jim Salyers, North Bay Corp.  
Ernie Carpenter, North Bay Corp.  
John Anderson, EH

March 6, 2010

Bob Swift, R.E.H.S.  
Permit & Resource Management Department  
Division of Well and Septic Systems  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Subject: S.D.S. Clearance Request for Revised Use with CDI Recyclables  
Processing, as per State Transfer/Processing Report  
Site: Novato Disposal Services – Recycling Facility  
Location: **2543 Petaluma Blvd. South**  
A.P.#: 019-220-038  
Owner: North Bay Corp., Mike O'Brien, Fleet Manager & Jim Salyers, V.P.

Dear Bob;

As you know, we have been working with the North Bay Corporation in order to assist them in getting the required septic system clearance for their proposed upgrade of the existing recycling facility at the subject site. As per the California State CDI Transfer /Processing Report, the subject facility will be processing, sorting and transferring CDI materials. These materials consist of Construction and Demolition debris and other Inert debris. This will require adjusting the existing office workers and adding four (4) CDI workers.

The calculated total peak wastewater capacity for the mound disposal system serving this site is 404 gallons per day. In February, 2007, your department approved the wastewater loading for the upgraded recycling facility as per Use Permit PLP 02-0072. At that time there were 8 full time office workers, and three part time office workers with a maximum of 10 hours per week for each part time employee. These three part time personnel were counted as one full time employee. There were 6 employees sorting recycling, who worked in the recycling building and an additional 2 outside yard workers. The other employees were the 12 truck drivers who visit the site for an estimated 15 to 20 minutes, twice per day, once in the morning to pick up the trucks and once at the evening to deliver the recycling. The calculated peak wastewater loading for this previously approved, existing use was as follows:

|  |                       |
|--|-----------------------|
| 8 full time office workers at 15 gallons per person per day  | = 120 gallons per day |
| 1 full time office worker consisting of 3 part time office workers (1/4 time per part time employee) | = 15 gallons per day  |
| 6 full time shop workers at 15 gallons per person per day  | = 90 gallons per day  |
| 2 full time yard workers at 15 gallons per person per day  | = 30 gallons per day  |
| 12 part time truck drivers at 7.5 gallons per person per day   | = 90 gallons per day  |
| <hr/>  |                       |
| 29 total staff   | 345 gal./day Total    |

Pursuant to the staff adjustment needed for the CDI operation, on February 2, 2010, we met in your office, along with Bob Herr, Well & Septic SDS Specialist, Jim Salyers, and Ernie Carpenter. At that time we agreed that instead of counting the individual truck drivers, it would be more accurate to count the vehicle trips, which is delineated in the CDI Transfer/Processing Report for the State. We also agreed on a wastewater-loading rate for the trucks at 1.875 gallons of wastewater per vehicle trip.

The CDI Report breaks down vehicle trips into 'inbound' and 'outbound' trips. An inbound trip means that the truck is bringing material into the subject facility, and outbound means that the truck carries materials away from the subject site. In the following chart, the numbers marked inside of parentheses ( ) in the outbound category indicated that these trucks will be loaded for both inbound and outbound trips, and therefore will only be counted once in the inbound category. Also the 13 employee trips are counted at 15 gal./emp./day in the staff portion of this report and, therefore, are not counted in the vehicle section.

Inbound Vehicles

|                                 |                     |
|---------------------------------|---------------------|
| CDI Trucks                      | = 36 trips per day* |
| Single-Stream Collection Trucks | = 29 trips per day  |

Outbound Vehicles

|  |                       |
|--|-----------------------|
| Roll-Off Trucks w/ Residual Waste            | = (9) trips per day*  |
| Transfer Trucks w/ single stream recyclables | = 5 trips per day     |
| Material Marketing Trucks                    | = (27) trips per day* |

|           |                                    |
|-----------|------------------------------------|
| Employees | = <del>(13)</del> 13 trips per day |
| Visitors  | = 10 trips per day                 |

---

|                               |                           |
|-------------------------------|---------------------------|
| <b>Total Vehicles per day</b> | <b>= 80 trips per day</b> |
|-------------------------------|---------------------------|

Therefore, at 1.875 gal./trip/day,  $1.875 \times 80 = 150$  gallons per day of wastewater for vehicular usage. Please see the attached 'Table 4 – Anticipated Peak Daily Vehicles' chart from the CDI Transfer/ Processing Report for further information.

The chart from the CDI Transfer/ Processing Report for the station personnel is also attached as 'Table 5 – Estimated Number of Facility Personnel' and is summarized as follows:

|   |                     |
|---|---------------------|
| Office Staff                                  | 5 employees         |
| Shop Workers                                  | 4 employees         |
| <u>CDI Operations and Transfer Operations</u> | <u>4 employees</u>  |
| <b>TOTAL</b>                                  | <b>13 employees</b> |

Therefore, at 15 gal./employee/day,  $15 \times 13 = 195$  gallons per day of wastewater for staff usage. And  $195 \text{ gal./day(staff)} + 150 \text{ gal./day(vehicles)} = 345$  gallons per day total peak wastewater usage. This calculated total wastewater usage is still below the 404 gallons per day permitted usage. The calculated 345 gal./day usage is only 85% of the permitted use of 404 gallons per day. The actual use, based on the monitoring reports of about 200 gallons per day is only 58% of the calculated use of 345 gallons per day and only 49.5% of the permitted use of 404 gallons per day. It is also no increase over the 345 gallons per day that was previously approved by your department in February, 2007, for Use Permit PLP 02-0072.

I inspected the mound disposal system at the subject site on February 17, 2007. At that time the system appeared to be in good working condition and properly functioning. Subsequent monitoring reports also show the system to be in good working condition, with the average usage at about 200 gallons per day. In my opinion, the subject septic system is in good operating condition and is able to handle the proposed and existing wastewater discharged and, if properly used and maintained, will function in a clean and sanitary manner and will not cause any pollution or other public health hazards.

Therefore, I recommend acceptance and approval of the SDS Clearance request, as submitted, to allow the proposed CDI processing. In my opinion, as long as this facility is properly used and maintained in accordance with the approved CDI Transfer/Processing Report, the continued and proposed use of this facility will not cause any pollution or any other public health hazards.

Please advise me as to the acceptability of this proposal so that we may proceed to acquire the required Public Health Clearance needed for the operation of the subject



recycling facility. If you have any questions or need further information, please call me at 545-2000.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Barry Ruderman', written in dark ink.

Barry Ruderman, R.E.H.S. #3170

cc. Jim Salyers, V.P.

cc. Ernie Carpenter

**Ken Ellison**

---

**From:** Ken Ellison  
**Sent:** May 28, 2013 8:03 AM  
**To:** 'Ernie Carpenter'  
**Subject:** RE: Novato Disposal Use Permit Modification

Excellent, thanks for clearing that up.

Ken Ellison  
Supervising Planner  
County of Sonoma

**From:** Ernie Carpenter [[mailto:ernie\\_man@comcast.net](mailto:ernie_man@comcast.net)]  
**Sent:** May 24, 2013 9:42 AM  
**To:** Ken Ellison  
**Cc:** Salyers, Jim  
**Subject:** Re: Novato Disposal Use Permit Modification

I should add same fuel and same number of wheels regarding the trucks.  
Ernie

---

**From:** Ernie Carpenter [[mailto:ernie\\_man@comcast.net](mailto:ernie_man@comcast.net)]  
**Sent:** May 24, 2013 9:40 AM  
**To:** Ken Ellison  
**Cc:** Salyers, Jim  
**Subject:** Re: Novato Disposal Use Permit Modification

Ken,  
Thanks for pulling this together. Sick child comes first.

As to trucks, we commissioned (Erickson) a Memo on the comparison of the old vs. retrofit diesel engines on all NDS trucks. This showed a reduction in Diesel particulate matter. That may have been the source of your question but the C&D trucks compared to the currently used front loaders are essentially the same truck. Same brand truck, same engine, wheel base and chassis but the add on's to the chassis are different. Currently, the single stream routes use a front loader that picks up a bin and drops the material into a container behind the cab, leaves bin at site. The C&D will pull a bin onto the rear tracks via cable. The major difference then is in arms, cables and levers. The answer to any new impact or cumulative impact due to the change in type of truck to pick up a different material in my opinion is less than significant.

Ernie

----- Original Message -----

**From:** Ken Ellison <[Ken.Ellison@sonoma-county.org](mailto:Ken.Ellison@sonoma-county.org)>  
**To:** 'Ernie Carpenter' <[ernie\\_man@comcast.net](mailto:ernie_man@comcast.net)>  
**Sent:** Fri, 24 May 2013 00:40:26 -0000 (UTC)  
**Subject:** Novato Disposal Use Permit Modification

Ernie:

## Ken Ellison

---

**From:** Ernie Carpenter [ernie\_man@comcast.net]  
**Sent:** January 11, 2013 10:30 AM  
**To:** Ken Ellison; Salyers, Jim  
**Subject:** Fwd: PETALUMA BLVD SO BOND .pdf

Ken,

Here is a copy of the bond for the remaining Cal Trans work on Petaluma Blvd South. I believe all the other conditions on UP 02-0072 have been satisfied. Cal Trans has extensive plans but they have not commenced any work in this area. The Site Plan I submitted previously has the plan line draw for the future Cal Trans improvements however w/o great detail.

The bond is the result of previous negotiations between NDS, the County and Cal Trans. All parties agreed that the landscape and other improvements should not be installed prior to that upgrade of the on ramp and street frontage for obvious reasons. Hence the bond.

Should you desire more information do not hesitate to request same.

Ernie Carpenter

o'malleywilsonwestphal

**Project:**  
**Novato Disposal Service**  
2543 Petaluma Boulevard South  
Petaluma, California 94952  
APN 019-220-038

**Property Owner:**  
**Novato Disposal Service, Inc.**  
Attn: Jim Salyers  
Post Office Box 1916  
Santa Rosa, CA 95402  
(707) 695-1751

**Project Description**  
February 2013

**Situation Analysis**

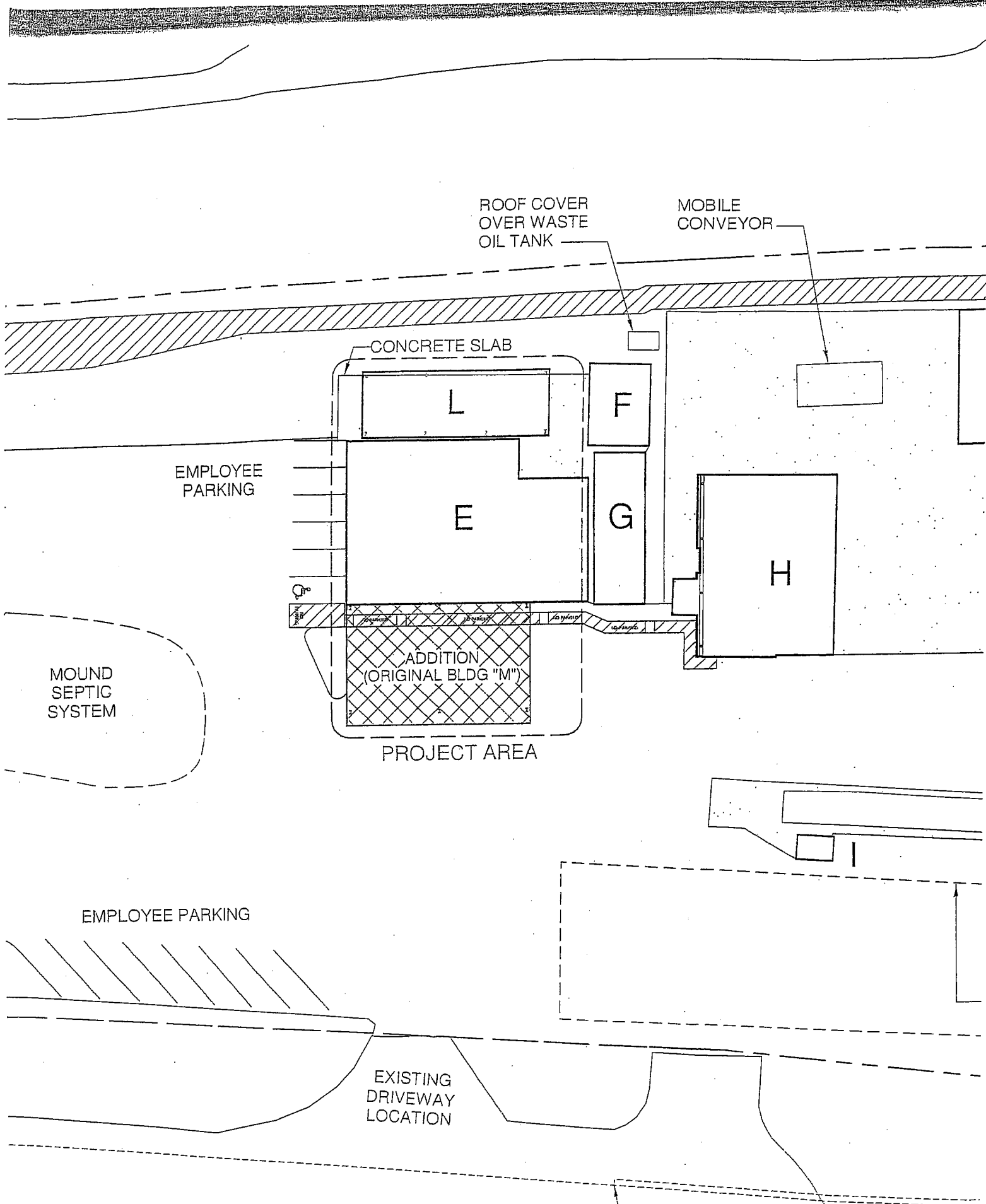
The proposed project is the addition of a free-standing canopy structure at an existing waste sorting and transfer facility located on a 5.39-acre site on Petaluma Boulevard South in the County of Sonoma. The lot is zoned M1 B8 F2 (Limited Urban Industrial District with both a B8 Combining District regarding the minimum lot size and a F2 Floodplain Combining District). The parcel has an approved Use Permit (PLP02-0072) on file at the County of Sonoma's Permit and Resource Development Department.

**Proposed Improvements**

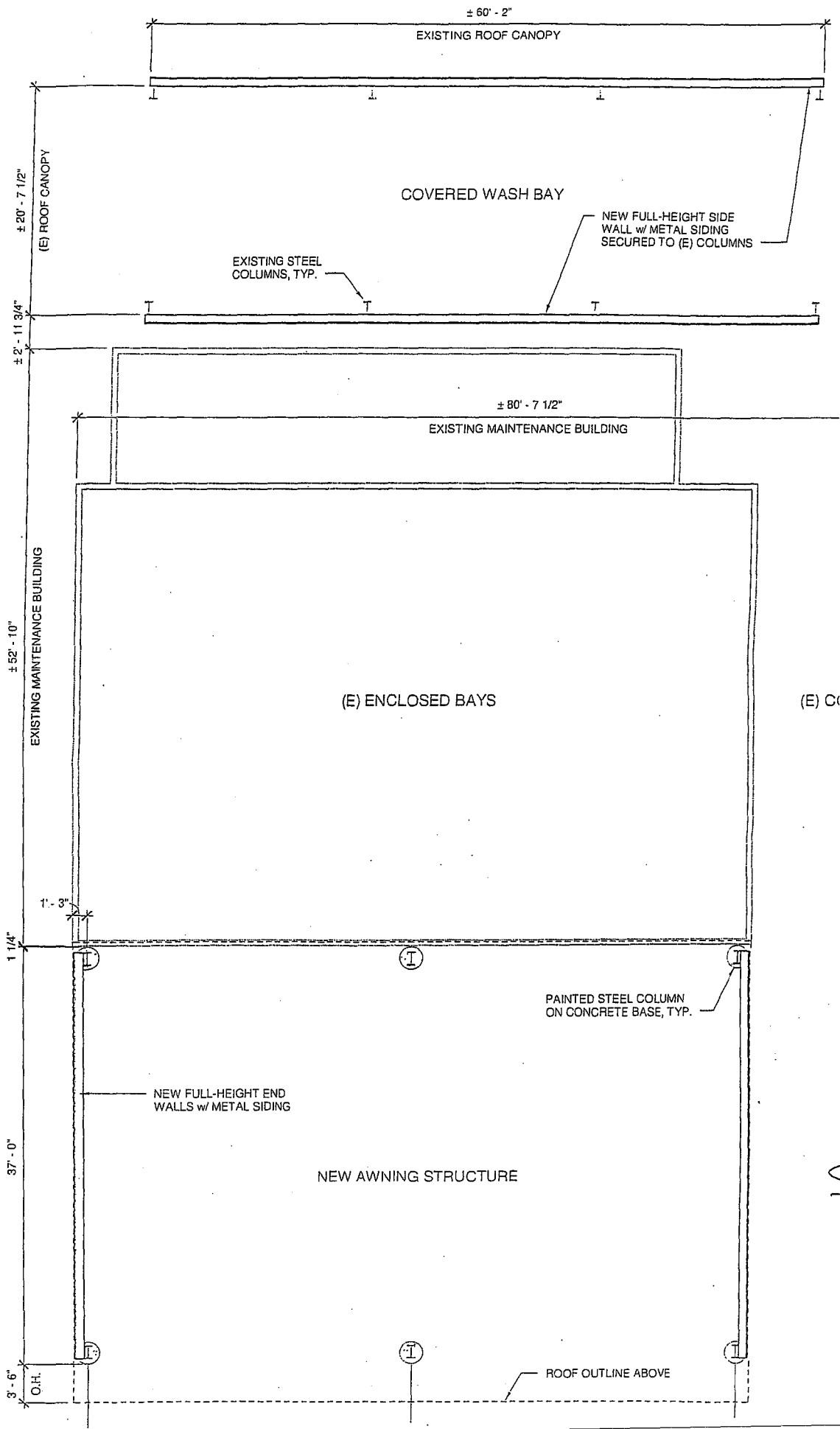
The new free-standing canopy structure will be immediately adjacent to the existing Maintenance Building. The canopy is on the Site Plan associated with the approved Use Permit (identified as Building "M"). The Maintenance Building is identified as Building "E". Although the location of the canopy is the same, the Owner would like to make the structure larger to provide better coverage over the trucks. Therefore, the footprint and elevations will be slightly different from the Use Permit documents.

In addition, the facility has determined that the existing roof cover over the Wash Bay (Building "L") does not provide adequate protection from the wind so that a vehicle can be properly washed. In order to address the situation, the Owner wants to add exterior siding to the east and west sides of the existing structure.

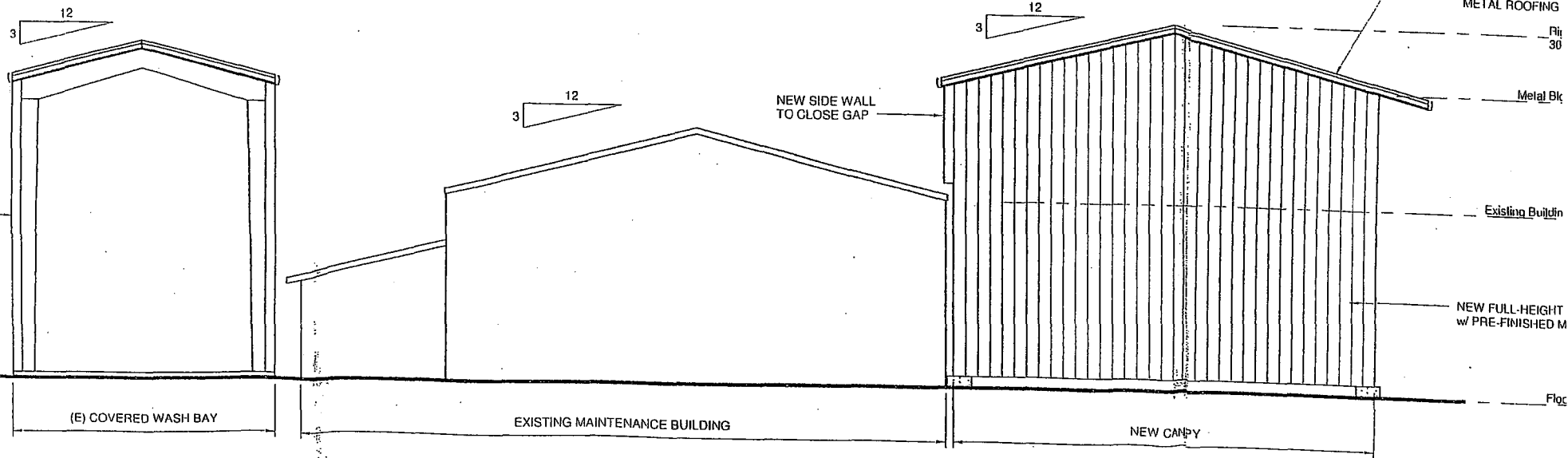
Please refer to the drawings (Sheets A-1, A-2, and A-3) that accompany this document.



Sheet A-1



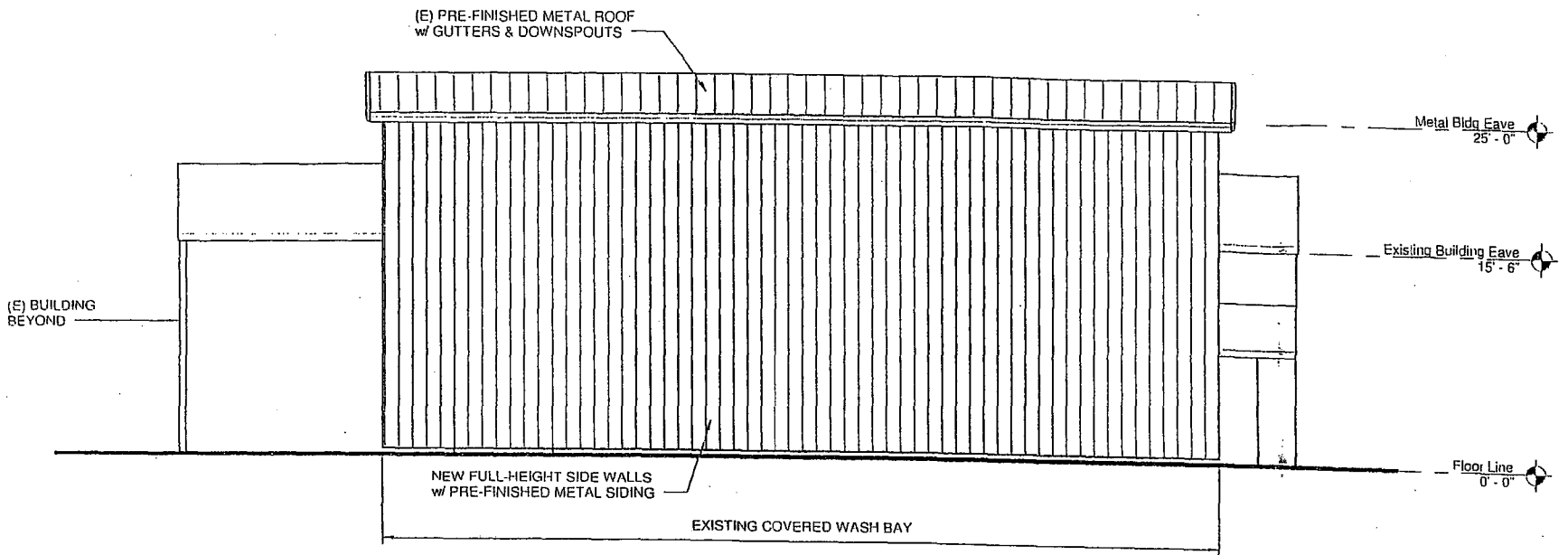
Sheet A-2



NORTH EXTERIOR ELEVATION

1/8" = 1'-0"

Sheet A-3, Part 1 of 3

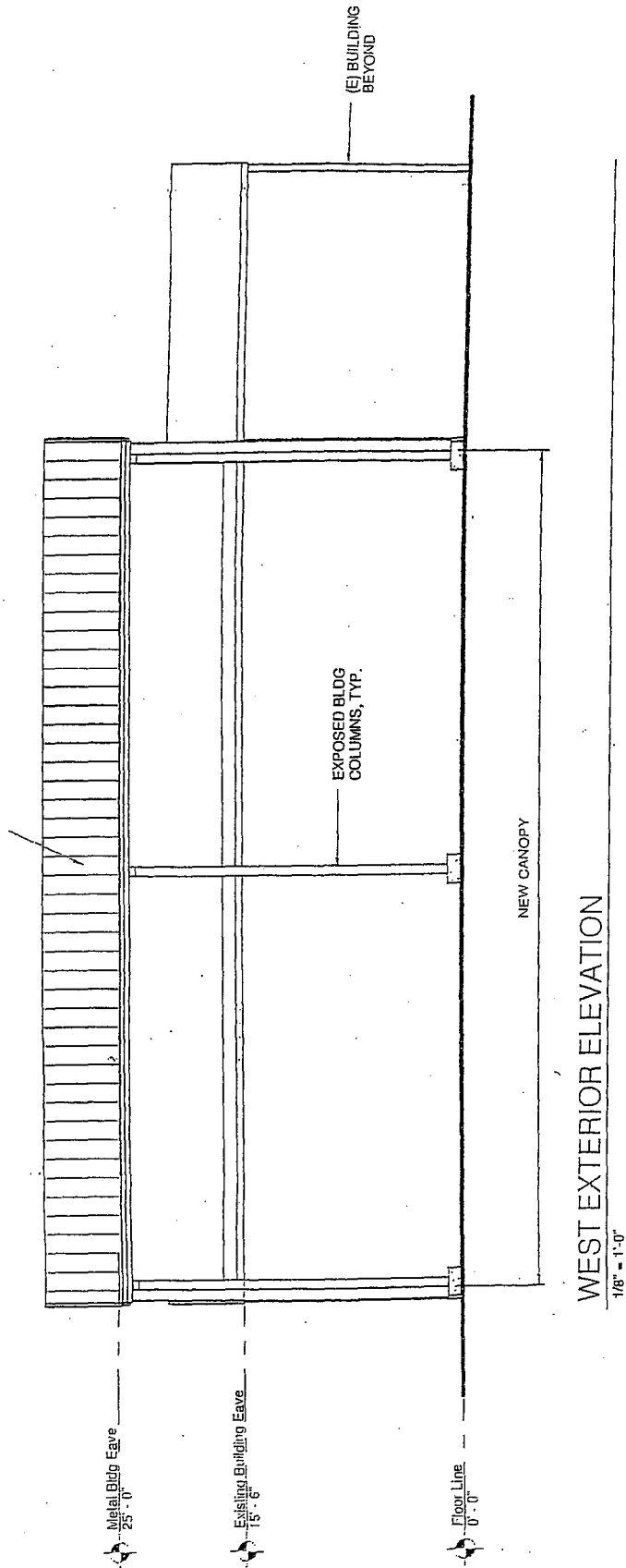


EAST EXTERIOR ELEVATION

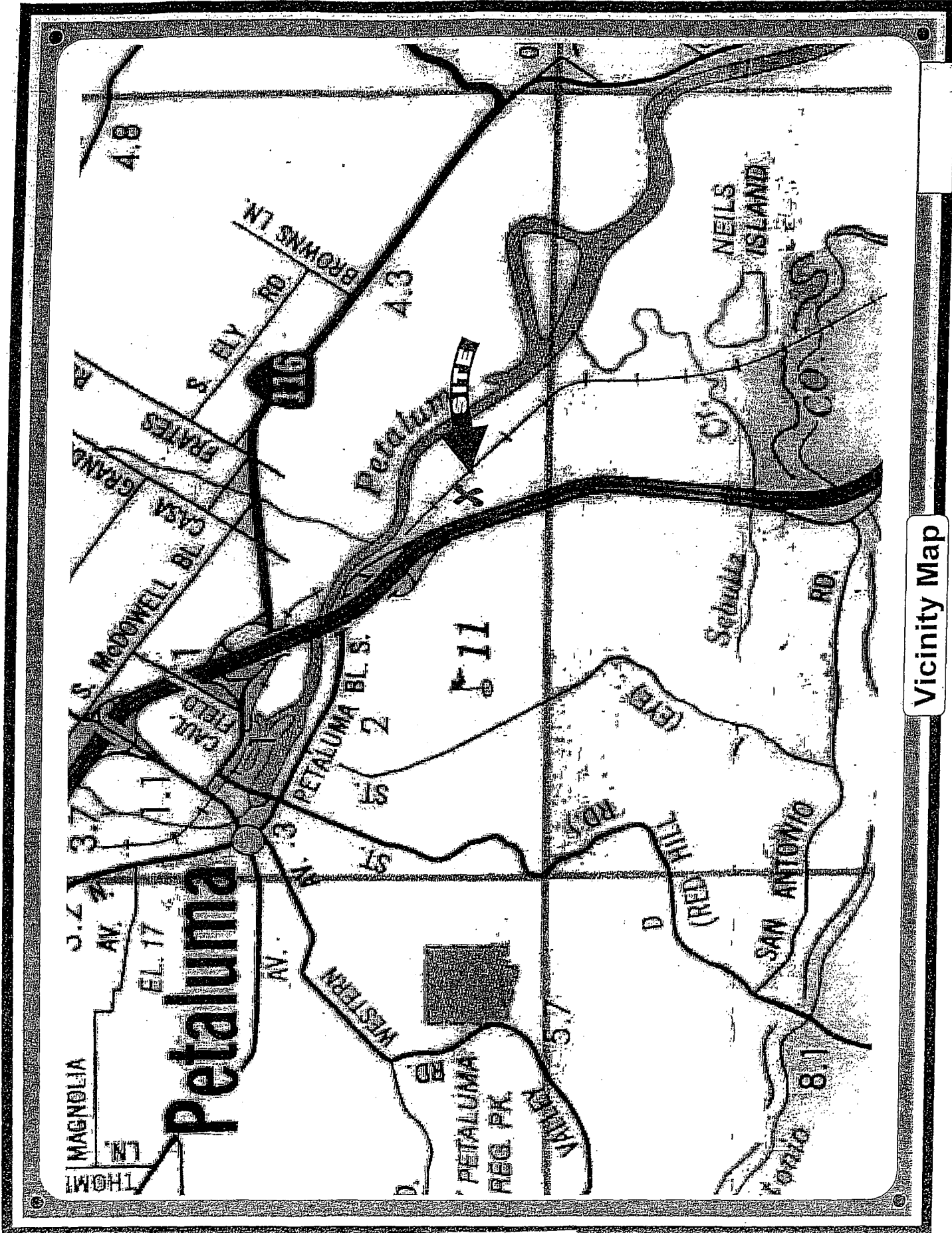
1/8" = 1'-0"

Sheet A-3, Part 2 of A3

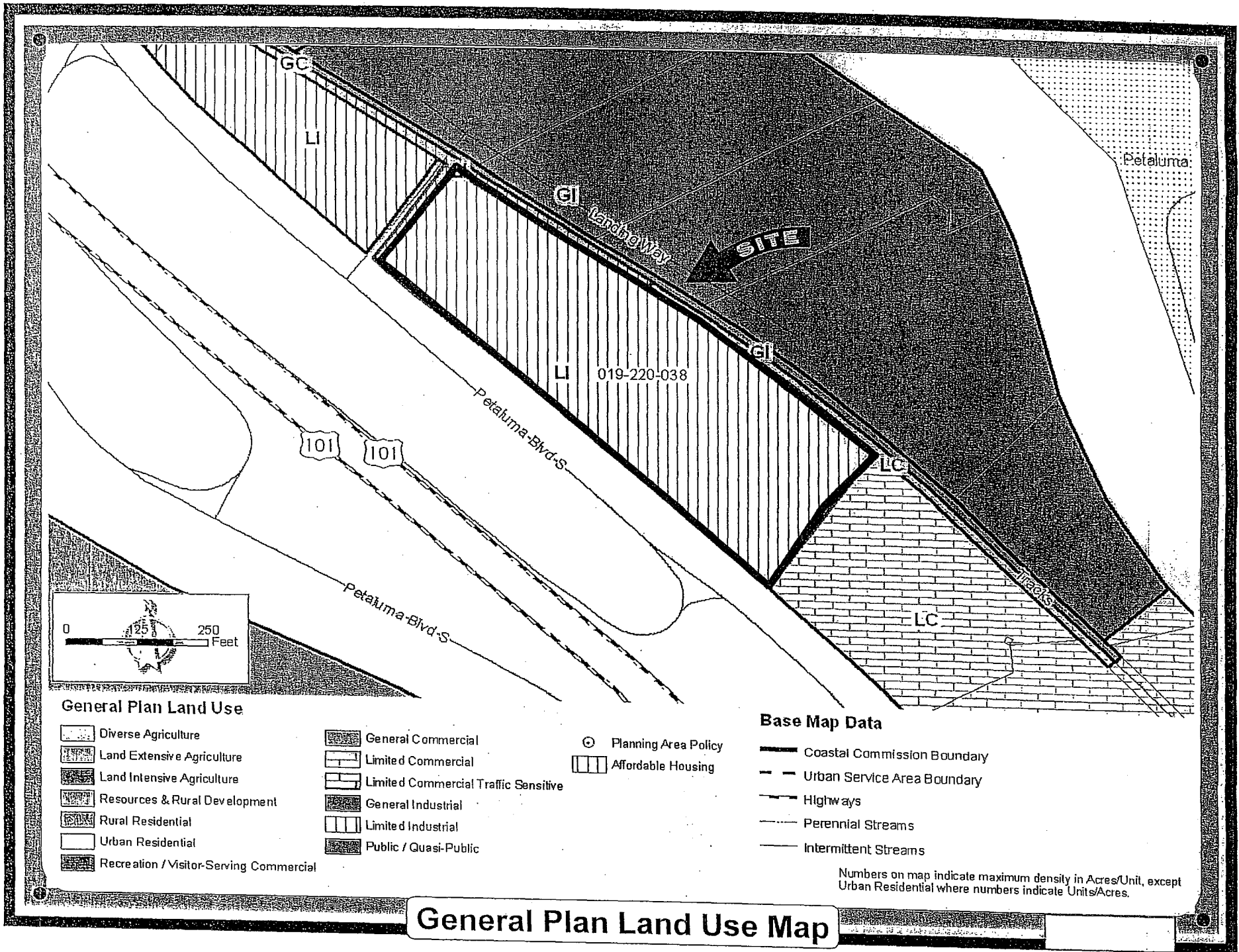


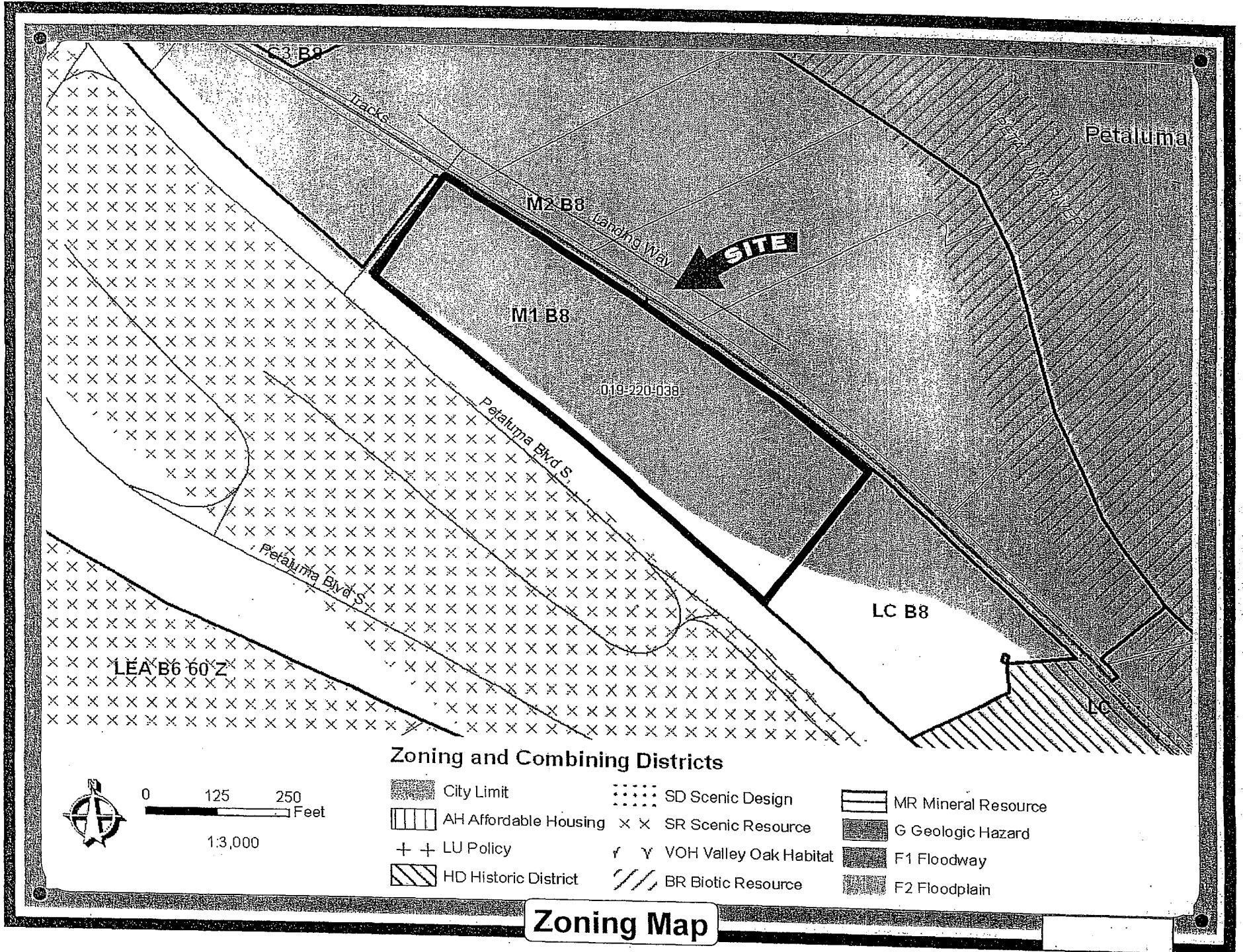


Sheet A-3, Part 3 of A3

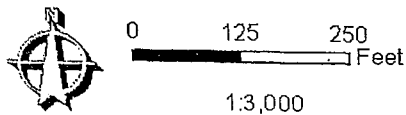


Vicinity Map





### Zoning and Combining Districts



- |                       |                        |                     |
|-----------------------|------------------------|---------------------|
| City Limit            | SD Scenic Design       | MR Mineral Resource |
| AH Affordable Housing | SR Scenic Resource     | G Geologic Hazard   |
| LU Policy             | VOH Valley Oak Habitat | F1 Floodway         |
| HD Historic District  | BR Biotic Resource     | F2 Floodplain       |

## Zoning Map

# Subsequent Mitigated Negative Declaration

## Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

(707) 565-1900 FAX (707) 565-1103

Publication Date: November 4, 2013

Adoption Date:

State Clearinghouse: 2013112014

This statement and attachments constitute the **Subsequent Mitigated Negative Declaration** as proposed for or adopted by the Sonoma County decision-making body for the project described below.

**File No.:** PLP02-0072

**Planner:** Ken Ellison

**Project Name:** Novato Disposal Recycling Center

**Project Location:** 2543 Petaluma Boulevard South, Petaluma APN 019-220-038  
See Vicinity Map - Attached

**Project Description:** The County of Sonoma has prepared this Subsequent Mitigated Negative Declaration for the Recycling and Maintenance Facility operated by Novato Disposal Services at 2543 Petaluma Boulevard South, APN019-220-038 (File #PLP02-0072, SCH #2000072063), which was adopted February 8th, 2005, for the purpose of examining the applicant's request for a minor modification to the existing Use Permit. The proposed Use Permit amendment would modify the previously approved project by:

1. Replacing the allowed 500 Tons Per Day (TPD) of light processing and recycling (including cardboard) with 295 TPD of recycling consisting of:
  - a. 130 TPD of CDI (Construction Demolition and Inert Debris), plus
  - b. 140 TPD of Source Separated Single Stream Recycling material, plus
  - c. 25 TPD of cardboard recycling

All CDI and Source Separated Single Stream Recycling processing will occur inside the existing recycling building which has a concrete floor and fire suppression system. A mist system for reducing dust will be installed prior to CDI recycling. All cardboard baling to occur in its existing location.

2. Elimination of the approved public recycling buy back center.
3. Elimination of the approved portable toilet rental business.
4. Elimination of the approved tire recycling operation.
5. Minor design changes to the previously approved canopy's over existing concrete/asphalt work areas on the south and north side of the maintenance/mechanic building.
6. Change hours of operation to 24 hours per day.

These changes may result in a slight reduction in the total number of employees on site and a reduction

in traffic to the site from the uses being eliminated. All other aspects of the project would remain substantially the same including placement and use of onsite mobile and stationary equipment. Thus, the Mitigated Negative Declaration's Description of Project, Surrounding Land Uses and Setting, Required Permits, and Incorporated Source Documents all remain substantially unchanged. A more detailed description and site plan of the use permit revision is attached as Exhibit 'A', including a follow-up traffic analysis and DPM (Diesel Particulate Matter) analysis.

**Background and Purpose of the Supplemental Mitigated Negative Declaration:**

On February 8, 2005, the Board of Supervisors approved PLP02-0072 for a Use Permit with Design Review to legalize and expand an existing recycling and maintenance facility operated by Novato Disposal Services, Inc. at 2543 Petaluma Boulevard, South. On April 24, 2006, the applicant/owner requested that a future building housing the tire and metal recycling operation be converted to construction and demolition (C&D) recycling. PRMD responded in a letter dated May 18, 2006 that the proposed C&D recycling use was compatible with the conditions of approval on the Use Permit if all C&D processing occurred within Building K (see attached site plan).

On August 23, 2010, Novato Disposal Services submitted a Registration Permit application to the County of Sonoma Department of Health Services (Local Enforcement Agency or LEA) for a new CDI (Construction, Demolition and Inert Debris) Processing Facility along with a CDI Cardboard Processing Operation on the subject property (now withdrawn as described below). PRMD found that a proposed CDI operation would be inconsistent with the Recycling Facility use and an Administrative Determination was mailed to the owner on September 14, 2010. That determination was subsequently appealed to the Planning Commission by Novato Disposal Services, Inc. on September 16, 2010.

On November 18, 2010, the Planning Commission held a public hearing, deliberated on the matter, and on a 4-0-1 straw vote (District 2 was absent), granted the appeal. The item was continued to December 16, 2010 for a final vote to allow staff to prepare a resolution granting the appeal and to allow the District 2 Commissioner the opportunity to review the information related to the project and listen to the recorded November 18th Planning Commission hearing. On December 16, 2010 the Planning Commission, on a 5-0 vote, determined that the proposed CDI facility and CDI Cardboard Processing operations were consistent with the existing approved Use Permit (Planning Commission Resolution Number 10-039).

On December 21, 2010, an appeal of the Planning Commission decision was filed with the Board of Supervisors by the Petaluma River Council, California Sportfishing Protection Alliance, and David Keller. The basis for the appeal to the Board was the claim that the CDI operations are inconsistent with the approved Use Permit for the Recycling Facility. The appellant also requested that a new environmental document be required and made allegations that the Planning Commission engaged in improper ex parte communications and violated the Brown Act. The Board of Supervisors continued the item off calendar for further review.

On May 24, 2012 the applicant filed a request for a new use permit on site (UPE12-0033), but subsequently withdrew that request.

On December 13, 2012 the applicant filed for this revision to the original Use Permit (File #PLP02-0072).

The applicant has indicated that the proposed amendment would not generate any environmental impacts beyond that analyzed in the original Mitigated Negative Declaration. The applicant further indicated they believed the proposed amendment would result in a decrease in both automobile and truck traffic to the site and related air emissions, and also reduce noise generated from permitted outdoor activities being eliminated (such as the portable toilet rental business).

Pursuant to the California Environmental Quality Act (CEQA), the Sonoma County Permit and Resource Management Department (PRMD) prepared this Subsequent Mitigated Negative Declaration to address potential environmental impacts associated with the modified project.

Pursuant to State CEQA Guidelines Section 15162:

*"(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

*(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.*

*(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted."*

The County has reviewed and considered the prior MND for the project, and has determined that a subsequent MND is required to address minor changes in the project (i.e., change to CDI recycling). None of the conditions described in subdivision (a) of Section 15162 have occurred, and therefore a subsequent EIR is not required. The change to CDI recycling is a minor change in the project that further avoids the potential for impacts and requires only minor additions or changes to the previous MND to make it adequate for the project as revised. Accordingly, a subsequent MND (SMND) is the appropriate environmental document.

PRMD staff has also required additional reports and documentation regarding potential traffic, air quality



and GHG impacts. These additional studies clarify and confirm the conclusions of the original MND that the project will not have any significant impacts on the environment that will not be mitigated to a level of less than significant with identified mitigation measures. The additional studies are listed below and attached to this document, and are discussed in the appropriate environmental issue area of the SMND.

**Environmental Finding:**

Although the Change to CDI recycling on site requires some changes to the previous MND, none of the conditions requiring preparation of a subsequent EIR have occurred. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified in the original MND and subsequent MND. Those changes or alterations are within the responsibility and jurisdiction of the County. Such changes have been agreed to by the applicant. All impacts associated with the change to CDI recycling can be mitigated to less than significant with the adoption of the mitigation measures identified herein. Therefore, the adoption of a Subsequent Mitigated Negative Declaration is appropriate. The Subsequent Mitigated Negative Declaration has been completed in compliance with CEQA, the State CEQA Guidelines and County guidelines and the information contained therein will be reviewed and considered by the County decision making body prior to making a decision on the project.

**Environmental Analysis:** Attached

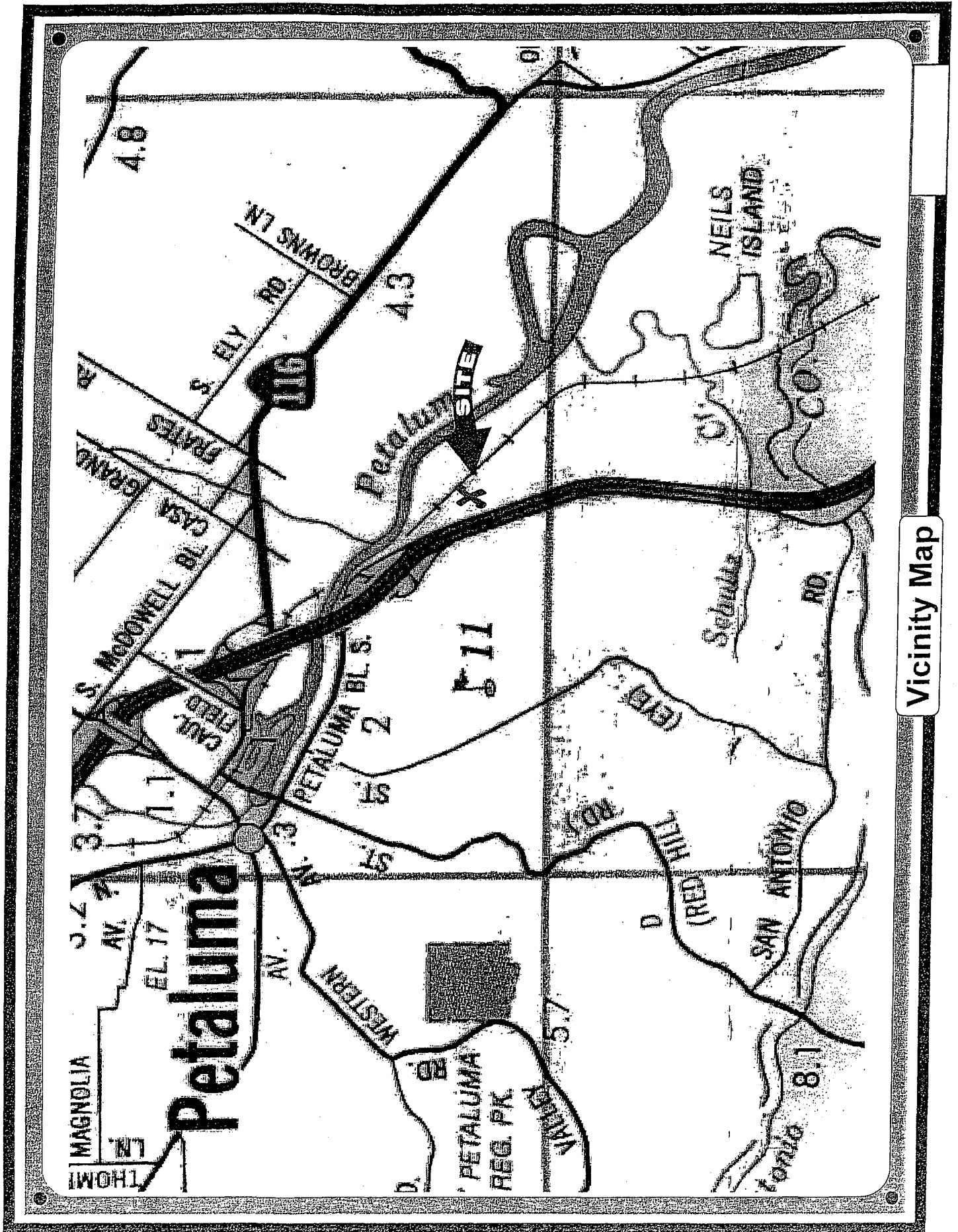
**Other Attachments:**

1. Application form and project description
2. Supplemental Traffic Analysis by W-Trans dated December 12, 2012
3. Supplemental Diesel Particulate Matter (DPM) Analysis by Erickson Energy and Environment dated December 12, 2012
4. Supplemental Green House Gas (GHG) Analysis by Erickson Energy and Environmental dated December 12, 2012
5. Letter with attachments regarding septic disposal capacity from Ernie Carpenter dated January 9, 2013.
- 6) Resolution of the Board of Supervisors (Resolution Number 05-05-0134, dated February 8, 2005) adopting the Mitigated Negative Declaration and approving the original project subject to attached mitigation measures and conditions.
- 7) Vicinity Map, General Plan Map, Zoning Map

**Decision-making Body:** Sonoma County Board of Supervisors

**Public Circulation Period:** November 4, 2013 to December 3, 2013





Vicinity Map

**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

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**ENVIRONMENTAL ANALYSIS**

|                                  |   |                 |                  |
|----------------------------------|---|-----------------|------------------|
| <b>FILE #:</b>                   | PLP02-0072  | <b>PLANNER:</b> | Ken Ellison      |
| <b>PROJECT:</b>                  | Novato Disposal Recycling Center  | <b>DATE:</b>    | November 4, 2013 |
| <b>LEAD AGENCY:</b>              | Sonoma County   |                 |                  |
| <b>PROJECT LOCATION:</b>         | 2543 Petaluma Boulevard South, Petaluma APN 019-220-038                                   |                 |                  |
| <b>APPLICANT NAME:</b>           | Novato Disposal, Attn. Jim Salyers  |                 |                  |
| <b>APPLICANT ADDRESS:</b>        | P.O. Box 1916, Santa Rosa Ca 95402  |                 |                  |
| <b>GENERAL PLAN DESIGNATION:</b> | Limited Industrial Land Use Designation, Located inside the Petaluma Urban Service Area   |                 |                  |
| <b>AREA PLAN:</b>                | Petaluma Dairy Belt   |                 |                  |
| <b>ZONING:</b>                   | M1 (Limited Urban Industrial) – B8 (Frozen Lot Size) – F2 (Floodplain Combining District) |                 |                  |

**BACKGROUND AND ENVIRONMENTAL REVIEW:**

On February 8, 2005, the Board of Supervisors approved PLP02-0072 for a Use Permit with Design Review to legalize and expand an existing recycling and maintenance facility operated by Novato Disposal Services, Inc. at 2543 Petaluma Boulevard, South. On April 24, 2006, the applicant/owner requested that a future building housing the tire and metal recycling operation be converted to construction and demolition (C&D) recycling. PRMD responded in a letter dated May 18, 2006 that the proposed C&D recycling use was compatible with the conditions of approval on the Use Permit if all C&D processing occurred within Building K (see attached site plan).

On August 23, 2010, Novato Disposal Services submitted a Registration Permit application to the County of Sonoma Department of Health Services (Local Enforcement Agency or LEA) for a new CDI (Construction, Demolition and Inert Debris) Processing Facility along with a CDI Cardboard Processing Operation on the subject property (now withdrawn as described below). PRMD found that a proposed CDI operation would be inconsistent with the Recycling Facility use and an Administrative Determination was mailed to the owner on September 14, 2010. That determination was subsequently appealed to the Planning Commission by Novato Disposal Services, Inc. on September 16, 2010.

On November 18, 2010, the Planning Commission held a public hearing, deliberated on the matter, and on a 4-0-1 straw vote (District 2 was absent), granted the appeal. The item was continued to December 16, 2010 for a final vote to allow staff to prepare a resolution granting the appeal and to allow the District 2 Commissioner the opportunity to review the information related to the project and listen to the recorded November 18th Planning Commission hearing. On December 16, 2010 the Planning Commission, on a 5-0 vote, determined that the proposed CDI facility and CDI Cardboard Processing operations were consistent with the existing approved Use Permit (Planning Commission Resolution Number 10-039).

On December 21, 2010, an appeal of the Planning Commission decision was filed with the Board of

Supervisors by the Petaluma River Council, California Sportfishing Protection Alliance, and David Keller. The basis for the appeal to the Board was the claim that the CDI operations are inconsistent with the approved Use Permit for the Recycling Facility. The appellant also requested that a new environmental document be required and made allegations that the Planning Commission engaged in improper ex parte communications and violated the Brown Act. The Board of Supervisors continued the item off calendar for further review.

On May 24, 2012 the applicant filed a request for a new use permit on site (UPE12-0033), but subsequently withdrew that request.

On December 13, 2012 the applicant filed for this revision to the original Use Permit (File #PLP02-0072).

The applicant has indicated that the proposed amendment would not generate any environmental impacts beyond that analyzed in the original Mitigated Negative Declaration. The applicant further indicated they believed the proposed amendment would result in a decrease in both automobile and truck traffic to the site and related air emissions, and also reduce noise generated from permitted outdoor activities being eliminated (such as the portable toilet rental business).

Pursuant to the California Environmental Quality Act (CEQA), the Sonoma County Permit and Resource Management Department (PRMD) prepared this Subsequent Mitigated Negative Declaration to address potential environmental impacts associated with the modified project.

Pursuant to State CEQA Guidelines Section 15162:

*"(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

*(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative*

*declaration, an addendum, or no further documentation.*

*(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted."*

In considering this follow-up discretionary project, the County has reviewed and considered the prior MND for the project, and has determined that a subsequent MND is required to address minor changes in the project (i.e., change to CDI recycling). None of the conditions described in subdivision (a) of Section 15162 have occurred, and therefore a subsequent EIR is not required. The change to CDI recycling is a minor change in the project that further avoids the potential for impacts and requires only minor additions or changes to the previous MND to make it adequate for the project as revised. Accordingly, a subsequent MND (SMND) is the appropriate environmental document.

PRMD staff has also required additional reports and documentation regarding potential traffic, air quality and GHG impacts. These additional studies clarify and confirm the conclusions of the original MND that the well project will not have any significant impacts on the environment that will not be mitigated to a level of less than significant with identified mitigation measures. The additional studies are listed below and attached to this document, and are discussed in the appropriate environmental issue area of the SMND.

#### **Environmental Finding:**

Although the Change to CDI recycling on site requires some changes to the previous MND, none of the conditions requiring preparation of a subsequent EIR have occurred. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified in the original MND and subsequent MND. Those changes or alterations are within the responsibility and jurisdiction of the County. Such changes have been agreed to by the applicant. All impacts associated with the change to CDI recycling can be mitigated to less than significant with the adoption of the mitigation measures identified herein. Therefore, the adoption of a Subsequent Mitigated Negative Declaration is appropriate. The Subsequent Mitigated Negative Declaration has been completed in compliance with CEQA, the State CEQA Guidelines and County guidelines and the information contained therein will be reviewed and considered by the County decision making body prior to making a decision on the project.

#### **DESCRIPTION OF PROJECT:**

The County of Sonoma has prepared this Supplement to the Mitigated Negative Declaration for the Recycling and Maintenance Facility operated by Novato Disposal Services at 2543 Petaluma Boulevard South, APN019-220-038 (File #PLP02-0072, SCH #2000072063), which was adopted February 8th, 2005, for the purpose of examining the applicant's request for a minor modification to the existing Use Permit. The proposed Use Permit amendment would modify the previously approved project by:

1. Replacing the allowed 500 Tons Per Day (TPD) of light processing and recycling (including cardboard) with 295 TPD recycling consisting of:
  - a. 130 TPD of CDI (Construction Demolition and Inert Debris), plus
  - b. 140 TPD of Source Separated Single Stream Recycling material, plus
  - c. 25 TPD of cardboard recycling

All CDI and Source Separated Single Stream Recycling processing will occur inside the existing recycling building which has a concrete floor and fire suppression system. A mist system for reducing dust will be installed prior to CDI recycling. All cardboard baling to occur in its existing location.

2. Elimination of the approved public recycling buy back center.
3. Elimination of the approved portable toilet rental business.
4. Elimination of the approved tire recycling operation.
5. Minor design changes to the previously approved canopy's over existing concrete/asphalt work areas on the south and north side of the maintenance/mechanic building.
6. Change hours of operation to 24 hours per day.

These changes may result in a slight reduction in the total number of employees on site, and a reduction in traffic to the site from the uses being eliminated. All other aspects of the project would remain substantially the same including placement and use of onsite mobile and stationary equipment. Thus, the Mitigated Negative Declaration's Description of Project, Surrounding Land Uses and Setting, Required Permits, and Incorporated Source Documents all remain substantially unchanged. A more detailed description and site plan of the use permit revision is attached as Exhibit 'A', including a follow-up traffic analysis and DPM (Diesel Particulate Matter) analysis.

**SURROUNDING LAND USES AND SETTING: Briefly describe the project's surroundings:**

North: Limited Industrial and General Industrial designated land use, developed with a mix of heavy industrial uses.

East: Heavy Industrial designated land use, developed with a mix of heavy industrial uses. Beyond those industrial uses is the Petaluma River.

South: Limited Commercial designated land use, compacted but mostly vacant. Beyond that is vacant industrial designated land.

West: Public right of way land, developed with Petaluma Boulevard South and beyond that Hwy 101.

**Other Public Agencies whose approval is required (e.g. permits, financing approval, or participation agreement):** County of Sonoma Department of Health (Acting as the solid waste Local Enforcement Agency)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project modification:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agricultural & Forest Resources | <input type="checkbox"/> Air Quality             |
| <input type="checkbox"/> Biological Resources               | <input type="checkbox"/> Cultural Resources              | <input type="checkbox"/> Geology/Soils           |
| <input type="checkbox"/> Greenhouse Gas Emission            | <input type="checkbox"/> Hazards & Hazardous Materials   | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use and Planning              | <input type="checkbox"/> Mineral Resources               | <input type="checkbox"/> Noise                   |
| <input type="checkbox"/> Population/Housing                 | <input type="checkbox"/> Public Services                 | <input type="checkbox"/> Recreation              |
| <input type="checkbox"/> Transportation/Traffic             | <input type="checkbox"/> Utilities/Service Systems       |  |
| <input type="checkbox"/> Mandatory Findings of Significance |  |  |

## DETERMINATION

On the basis of this initial evaluation:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the changes to the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent that will avoid or substantially reduce those effects. Only minor modification of the prior Mitigated Negative Declaration is required to address the changes in the project, and a SUBSEQUENT MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed by in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, all potentially significant effects were previously analyzed in an earlier EIR or Negative Declaration pursuant to applicable standards and potential impacts have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project. There are no changes in the project, no new information related to potential impacts, and no changes in circumstances that would require further analysis pursuant to Section 15162 of CEQA Guidelines, therefore no further environmental review is required.

### Incorporated Source Documents

In preparation of the Initial Study checklist, the following documents were referenced/developed, and are hereby incorporated as part of the Initial Study. All documents are available in the project file or for reference at the Permit and Resource Management Department.

- Project Application and Description
- Sonoma County General Plan and Associated EIR
- Sonoma County Zoning Ordinance
- Petaluma Dairy Belt Area Plan
- State and Local Environmental Quality Acts (CEQA)
- Full record of previous hearings on project in File, including Resolution of the Board of Supervisors Number 05-05-0134, dated February 8, 2005, adopting the Mitigated Negative Declaration and approving the original project subject to attached mitigation measures and conditions, and the Mitigated Negative Declaration/Initial Study for original project dated August 16, 2004
- Correspondence received on project.
- Other technical reports including:
  1. Supplemental Traffic Analysis by W-Trans dated December 12, 2012
  2. Supplemental Diesel Particulate Matter (DPM) Analysis by Erickson Energy and Environment dated December 12, 2012
  3. Supplemental Green House Gas (GHG) Analysis by Erickson Energy and Environmental dated December 12, 2012
  4. Letter with attachments regarding septic disposal capacity from Ernie Carpenter, dated January 9, 2013.

## **EVALUATION OF ENVIRONMENTAL IMPACTS:**

### **1. Aesthetics**

The Mitigated Negative Declaration reviewed the site and originally proposed improvements including the maintenance of the existing industrial buildings on site, the construction of a new tire and metal recycling building, a new eight-foot wall and landscaping at the south end of the property. The Mitigated Negative Declaration found that the visual impacts of the project would be reduced to a less than significant level.

The proposed use permit revision would not change any of the previously analyzed aesthetic issues, other than to further reduce the amount of outdoor work on site. All CDI and single stream recycling would occur inside the existing recycling building. The cardboard recycling would continue to occur in the same location as it is occurring now with comingled CDI cardboard added. The proposed minor modifications to the approved canopy's over existing concrete/asphalt work areas on the north and south sides of the maintenance/mechanic building would not be significantly noticeable from any public right of way given the industrial nature of the area, the distance involved, intervening landscaping and other uses occurring on site.

For these reasons, the Modified Use Permit would not result in a new significant aesthetics effect or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Mitigated Negative Declaration was approved.

### **2. Agricultural Resources**

The Mitigated Negative Declaration reviewed the site and originally proposed improvements and concluded there would be no significant impacts on agricultural resources. The site was not designated/zoned for agricultural uses, and had an extended history of being used for industrial purposes, including compaction/gravel/paving of the site and construction of various industrial buildings on site.

The proposed use permit revision would not change any of the previously analyzed agricultural issues, nor result in any new compacted areas or new buildings on site.

For these reasons, the Modified Use Permit would not result in any new significant agricultural effects or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Mitigated Negative Declaration was approved.

### **3. Air Quality**

The Mitigated Negative Declaration analyzed potential air quality impacts for criteria pollutants established by the State and Federal governments, including ozone, carbon monoxide, nitrogen dioxide, sulphur dioxide, and particulates (PM10 and PM2.5). It was found that the recycling facility does not produce any significant pollutants from stationary equipment and processes on site. However, exhaust fumes from the vehicular traffic serving the use, including trucks going to and from the site would produce measurable pollutants.

An 11/4/03 traffic study by WTrans indicated the site was already producing 214 trips per day and might produce up to 20 additional trips from the use. It was noted that while individual vehicular emission levels are regulated by the State and Federal governments, the BAAQMD (Bay Area Air Quality Management District) had establish thresholds related to CEQA (California Environmental Act) as to whether a discretionary project would produce a cumulative significant air quality impact. The BAAQMD criteria indicated that projects which produce under 2,000 trips per day would have a less than significant impact without further air quality analysis. Since the original project would only produce 214-234 trips a day it

was concluded it would not have a significant impact on air quality.

A follow-up traffic study by WTrans dated 12/12/12 indicated that the proposed use permit modification would reduce total recycling trips to 213. In addition, a DPM (Diesel Particulate Matter) study by Erickson Energy and Environment dated 12/12/12 indicated that due to increasing restrictions by Federal and State regulations, including a combination of cleaner diesel fuel and tighter engine pollutant restrictions, the PM10 emissions produced by trucks would typically be reduced by 85% to 90% when comparing the old year 2000 emissions to year 2010 emissions. The proposed use permit modification would also eliminate a number of permitted uses on site, which would further reduce future traffic to the property and associated air quality impacts. Based on the above, the proposed use permit modification would produce significantly less criteria pollutants than the existing project.

The issue of potential GHG (Green House Gas) emission impacts was generally known at the time of adoption of the original Mitigated Negative Declaration in February of 2005. The Mitigated Negative Declaration concluded that given the number of truck trips being produced there was no significant impact on air quality. The Mitigated Negative Declaration indicated that the Bay Area Air Quality Management District (BAAQMD) CEQA guidelines provided guidance for analyzing air emissions under CEQA, but did not recommend any specific significance thresholds for construction and operational emission impacts. Instead, the BAAQMD guidelines suggested that lead agencies either reference BAAQMD's Thresholds of Significance adopted in 1999, or reference BAAQMD's CEQA Thresholds Options and Justification Report developed by BAAQMD staff in 2009, in selecting a significance threshold based on substantial evidence.<sup>1</sup> The 2009 CEQA Thresholds Options and Justification Report addressed issues of scientific and regulatory concern that the 1999 BAAQMD thresholds did not. Sonoma County agreed that the significance thresholds contained in BAAQMD staff's 2009 CEQA Thresholds Options and Justification Report were supported by substantial evidence and the County was using the significance thresholds contained in that report for determining the significance of Project air quality impacts.

The proposed use permit revision will slightly reduce the number of truck trips generated by the recycling project, and their related potential GHG emissions. There has also been substantial reduction in pollutants by individual trucks and vehicles related to more stringent fuel, engine and mileage standards since time of adoption of the Mitigated Negative Declaration. A GHG analysis by Erickson Energy and Environment dated 12/12/12 of the proposed use permit revision indicated there would be no increase in GHG emissions from vehicles, and that the addition of CDI recycling would result in a net reduction in GHG's by reducing organic materials now going to the County landfill. The proposed use permit modification would also eliminate a number of permitted uses on site, which would further reduce future traffic to the property and associated GHG impacts. Therefore, it is expected the proposed use permit revision would result in reduced GHG emissions, and in any case no incremental change approaching significance.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to emissions of criteria pollutants due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

Similarly, the Modified Use Permit would not result in a new significant or substantially more severe impact related to GHG/global climate change due to changes in the project or its circumstances, or new information that was not known and could not have been known at the time of adoption of the Mitigated Negative Declaration.

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<sup>1</sup> The BAAQMD guidelines (adopted in June 2010 and amended in May 2011) did recommend specific significance thresholds. These guidelines were set aside pursuant to a judicial writ of mandate issued March 5, 2012, in *California Building Industry Association v. BAAQMD* (Alameda Superior Court Case No. RGI0548693). The plaintiff's argued that the thresholds were overly stringent and would have unintended consequences, and the court's order required BAAQMD to set aside its approval of the thresholds until it has conducted further CEQA review of its CEQA thresholds. On August 13, 2013, the Court of Appeal reversed the Superior Court's decision.



#### **4. Biological Resources**

The Mitigated Negative Declaration found that pursuant to a biological assessment conducted by Marco Waaland of Golden Bear Biostudies on March 15, 2003 that there were no wetlands or other habitat for special status species present on site. The entire property was developed and had been historically used for industrial purposes.

The proposed use permit modification would not result in any new hard surface areas, buildings, or other significant exterior changes to the site.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to biological resources due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

#### **5. Cultural Resources**

The Mitigated Negative Declaration found that the site had been surveyed for potential archaeological resources in 1986 for the first use permit on site, and no resources had been identified. The site was subsequently filled. However, it was noted that potential subsurface artifacts may still exist and a standard mitigation was applied that if buried cultural resources are uncovered during foundation trenching all work is to halt and PRMD and a qualified expert consulted.

The proposed use permit modification would not result in any significant ground disturbance, new buildings, or other significant exterior changes to the site.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to cultural resources due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

#### **6. Geology and Soils**

The Mitigated Negative Declaration did not find any unusual or dangerous geologic or soils conditions on site, and concluded the original project would not have any significant impact in these areas if required building permit standards were met.

The proposed use permit modification would not result in any ground disturbance, new buildings or other significant exterior changes to the site.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to geology or soils due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

#### **7. Hazards and Hazardous Materials**

The Mitigated Negative Declaration noted that the project only recycled non-hazardous materials, and

that any small amounts of hazardous materials/fuel/cleaning supplies that did end up on site would be temporarily stored on the flat concrete slabs before removal/use, and there was no known history of any significant hazardous materials problems at recycling centers in the County. It was also noted that all State hazardous materials storage and use laws must be met at all times.

The proposed use permit modification would reduce both the total amount of recycled materials passing through the site, and change a portion of the existing recycled materials (130 TPD) to CDI (Construction Demolition and Inert Debris) materials. The CDI materials include non-hazardous bricks, concrete, wood, carpet, plastic, pipe, rocks, dirt, paper, cardboard and a very small amount of residual green waste. Hazardous materials and medical waste are specifically prohibited from being recycled on site. Any small amount of residual green waste would be placed in an enclosed bin with a top for removal from the site within 48 hours. The CDI recycling activities are not expected to produce any significant odor issues, and in any event no more odor than the existing recycling operation might.

All CDI materials would be brought inside the existing recycling building, spread on the concrete floor and separated by hand into recycle bins as appropriate (the same process as is currently used on site for recycling). While no significant amount of dust is expected, a mist system will be installed inside the building to insure any residual dust is reduced to a less than significant level. Residual moisture from mist systems is typically absorbed by recycled materials, however any interior building drainage is also captured and stored in holding tanks for later use as plant irrigation on site. No liquids would contact the material being recycled, or be used for washing the materials/floor (a mechanical/motorized broom/brush would be used). Outside the building, the property has bio-swailes to capture and filter any runoff from roof tops and parking areas.

Similar to the existing recycle operation, any small amounts of hazardous materials that are discovered in CDI loads, such as occasional mercury switches, fluorescent lights, treated waste woods, etc., will be separated and stored in bins and/or hazardous materials lockers for disposal to the appropriate facility. If refrigerators and/or appliances containing mercury or Freon are found in a load they will be separated and temporarily stored on the concrete slab until disposal to the appropriate facility within 30 days. Pursuant to State hazardous materials laws, employees will be trained to evaluate potential load issues, and take the necessary steps to protect workers including notifying local authorities if necessary.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to hazards or hazardous materials due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

## **8. Hydrology and Water Quality**

The Mitigated Negative Declaration noted that the only significant hydrology and water quality issues were related to potential erosion and drainage issues from initial construction of the (then) proposed facilities. These concerns were mitigated through obtaining required grading permits and meeting related standards, including those of the Regional Water Quality Control Board. It was further noted that the onsite septic system was adequate for the proposed load.

The proposed use permit modification would not result in any significant new ground disturbance, new buildings, or significant exterior changes to the property that might result in new drainage/runoff issues or changes. The proposed CDI recycling would occur inside an existing building, which already has a drainage system to capture and hold any runoff from materials and/or the interior dust control mist system. Prior to shipping out, all recycled materials will be stored inside the building or in enclosed bins under roof canopy's to prevent rainwater from contacting them. The exterior of the property will continue to have bio swales to capture and treat any runoff from roof tops and parking lots on the site. The total number of employees on site is expected to remain the same or possibly decrease slightly, so no significant impacts to the existing septic system are expected.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to hydrology or water quality due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

### **9. Land Use and Planning**

The Mitigated Negative Declaration noted that the project would not modify any existing communities or roadway infrastructure, was not near any existing residences, and met the criteria of the applicable land use and zoning designations for the proposed use. The property is currently designated in the General Plan as Limited Industrial land use, and has a base zoning of M1(Limited Urban Industrial), both of which are consistent with recycling centers.

The proposed use permit modification would not result in any significant changes in the use of the site, and as a recycling center would remain consistent with the Limited Industrial General Plan land use designation and the M1 zoning of the site.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to land use and planning due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

### **10. Mineral Resources**

The Mitigated Negative Declaration did not identify any mineral resources on or off site that could be impacted from the project. The proposed use permit modification would not result in any significant changes in the use of the site, nor in the use of mineral resources on or off site. It is possible that recycling concrete on site may result in a very small reduction in the amount of new aggregate needed in the county for construction work, but this is considered an insignificant positive impact of the proposed use permit modification.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to mineral resources due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

### **11. Noise**

The Mitigated Negative Declaration noted that the recycling operation had already been ongoing onsite for (then) approximately 18 years (now 26 years). The project produced noise from operation of various pieces of heavy equipment and trucks on site in addition to the recycling operations inside the building, but was located in the middle of an industrial area less than 200 feet from Hwy 101. Hours of operation analyzed were from Monday through Saturday 4am to 6pm and Sunday 9am to 4pm. These hours of operation cover both the daytime (7am to 10pm) and nighttime (10pm to 7am) noise standards of the General Plan. [Note: General Plan noise standards are based on a sliding scale measured within a one hour time period – The louder the noise, the shorter period of time it may be produced. The nighttime noise standards allow less noise to be produced than the daytime noise standards] No significant noise impacts (pursuant to General Plan standards) from the project during either the daytime or nighttime hours of operation were found.

The proposed modified use permit would reduce the number of potential truck trips to and from the site along with the noise they generate. In addition, the proposed elimination of some of the outdoor uses such as the portable toilet rental business would also reduce potential noise from the site. All CDI recycling would be inside the existing recycling building and be sorted by hand, the same as the existing recycle operation, and so is not expected to increase noise levels over existing recycling operations in the same location. The applicant has specifically stated no crushing, grinding or shredding of CDI materials would occur on site.

The applicant has requested to increase the hours of operation from Monday through Saturday 4am to 6pm and Sunday 9am to 4pm, to Monday through Sunday 24 hours a day. This proposed change would increase both the number of daytime and nighttime hours of operation. However, while it may spread the noise out over a greater number of hours of operation, it would not increase the noise level that recycling operations would produce (as discussed above). Given the noise level being produced from the existing recycling operation was found to operate in compliance with both the daytime and nighttime noise standards allowed by the County General Plan, and the proposed CDI recycling operations will not increase noise levels, it is not expected that changing the hours of operation will result in any significant noise impacts per General Plan standards.

Overall, the proposed use permit modification should decrease total noise from the site (over a 24 hour period) due to the reduced amount of recycling materials coming to/from the site, and elimination of some of the allowed outdoor uses on site. It is also noted that the ongoing expansion of the adjacent Hwy 101 will bring freeway travel lanes closer to the site, potentially increasing background noise levels in the area, and further reducing the project's potential noise impact pursuant to General Plan standards.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to noise due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

## **12. Population and Housing**

The Mitigated Negative Declaration noted that the project was a relatively small industrial use in the middle of an industrial zoned area, and found no potential impacts on population or housing. The proposed modified use permit would not significantly change the character of the use, expand it physically, or significantly alter the number of employees on site.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to population and housing due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

## **13. Public Services**

The Mitigated Negative Declaration noted that there was adequate public water and septic capacity to serve the project. In addition, existing police and fire services were adequate in the project area, and there would be no significant impact on schools or recreational facilities. It was also noted that any new buildings on site would have to comply with current building code and fire safe standards.

The proposed modified use permit would not significantly change the character of the use, expand it physically, or significantly alter the necessary public services needed to service it. It may slightly decrease the number of employees on site, which would reduce septic system load.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to public services due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

#### **14. Recreation**

The Mitigated Negative Declaration noted that the project did not involve any housing units or demand for new recreational facilities, and found no impact on recreation.

The proposed modified use permit would not significantly change the character of the use, expand it physically, or alter the need for recreation in any way.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to recreation due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

#### **15. Transportation/Traffic**

The Mitigated Negative Declaration for the project included a traffic study dated 11/4/03 prepared by WTrans, which indicated the site was already producing 214 trips per day and might produce up to 20 additional trips from the use. It went on to note that traffic studies from nearby proposals had also been conducted, and it was found that if Petaluma Boulevard South was restriped to include additional through lanes and a left turn lane, that there would be no significant impact to Petaluma Boulevard South nor the nearby Hwy 101 interchange. It was further noted that the restriping plan may result in an improvement to the existing traffic situation.

A follow-up traffic study by WTrans dated 12/12/12 indicated that the proposed use permit modification would reduce total trips to 213. The follow-up study additionally concluded that the findings of no significant traffic impact from the original traffic study remain valid for the proposed use permit modification. The proposed elimination of a number of outdoor uses on site will also reduce traffic going to/from the site.

Hwy 101 and the nearby interchange are also currently in the process of being widened and improved with the intent of improving overall traffic flow in the area.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to transportation/traffic due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

#### **16. Utilities and Service Systems**

The Mitigated Negative Declaration noted that there was adequate public water and septic capacity to serve the project. In addition, any changes in drainage/storm water on site from construction activities would be subject to grading permit review for compliance with County standards, and that bio-swales would be installed around the perimeter of the site to capture and filter any storm runoff. It was also noted that being a recycle center, the project may reduce impacts on the County landfill.

The proposed modified use permit would not significantly change the character of the use, expand it physically or change any drainage ways, or significantly alter the necessary utilities and service systems needed to service it.

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to utilities and service systems due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

### **17. Mandatory Findings of Significance**

The Mitigated Negative Declaration found that as identified through the projects initial study, all of the potential impacts could be mitigated to a less than significant level, and that there were no cumulative or long-term impacts identified that were not fully mitigated. Further, that all changes to the existing environment would be mitigated to a less than significant level.

The proposed modified use permit would not significantly change the character of the use, expand it physically, or significantly alter any of the necessary facilities needed to service it. There are no identified long-term or cumulative unmitigated impacts

Given the above, the modified Use Permit would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to mandatory findings of significance or long term or cumulative impacts due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time of adoption of the Mitigated Negative Declaration.

### **V. CONCLUSION**

For the reasons stated above, approval of the modified use permit would not meet any of the standards identified in CEQA Guidelines Section 15162 requiring preparation of a new Supplemental Environmental Impact Report, nor do the modifications to the operation of the facility rise to the level of being an all new project which would require an entirely new CEQA document.

### **V. LIST OF ATTACHMENTS**

- |             |  |
|-------------|--|
| Exhibit 'A' | Detailed Use Permit Revision Proposal Statement, including site plan, follow-up traffic analysis, and follow-up DPM (Diesel Particulate Matter) and GHG (Green House Gas) analysis, and septic information.              |
| Exhibit 'B' | Resolution of the Board of Supervisors Number 05-05-0134, dated February 8, 2005, adopting the Mitigated Negative Declaration and approving the original project subject to attached mitigation measures and conditions. |
| EXHIBIT 'C' | Vicinity map, General Plan map, zoning map   |

# Planning Application

PJR-001

File#: PLP 02-0072

### Type of Application:

- |   |  |   |                                      |
|---|--|---|--------------------------------------|
| <input type="checkbox"/> Admin Cert. Compliance       | <input type="checkbox"/> Design Review Comm./Ind.  | <input type="checkbox"/> Minor Subdivision            | <input type="checkbox"/> Variance    |
| <input type="checkbox"/> Ag./Timber Preserve/Contract | <input type="checkbox"/> Design Review Residential | <input type="checkbox"/> Mobile Home Zoning Permit    | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Cert. of Compliance          | <input type="checkbox"/> Design Review Signs       | <input type="checkbox"/> Ordinance Interpretation     | <input type="checkbox"/> Other:      |
| <input type="checkbox"/> Cert. of Modification        | <input type="checkbox"/> General Plan Amendment    | <input type="checkbox"/> Second Unit Permit           |                                      |
| <input type="checkbox"/> Coastal Permit               | <input type="checkbox"/> Lot Line Adjustment       | <input type="checkbox"/> Specific/Area Plan Amendment |                                      |
| <input type="checkbox"/> Design Review Admin.         | <input type="checkbox"/> Major Subdivision         | <input checked="" type="checkbox"/> Use Permit        |                                      |

### Applicant (Contact Person):

**Jim Salyers, Vice President**

Name  
**P.O. Box 1916**  
Mailing Address  
**Santa Rosa** **Ca** **95402**  
City/Town State Zip  
**707-765-9995** **707-765-9998**  
Phone Fax  
**jamesalyers1@gmail.com**  
email

Signature *James H Salyers* Date 12/11/12

### Owner, if other than Applicant:

**Novato Disposal Services**

Name  
**2543 Petaluma Blvd. South**  
Mailing Address  
**Petaluma** **Ca** **94952**  
City/Town State Zip  
**707-765-9995** **765-9998**  
Phone Fax  
**jamesalyers1@gmail.com**  
email

Signature *James H Salyers* Date 12/11/12

### Other Persons to be Notified: (Specify: Other Owner(s), Agent, Lender, Architect, Engineer, Surveyor)

**Eric Koenigshofer**

Name  
**P.O. Box 218**  
Mailing Address  
**Occidental** **Ca** **95446**  
City/Town State Zip  
**Attorney**  
Title  
**707-874-2389**  
Phone Fax  
**eijklaw@yahoo.com**  
email

Name  
Mailing Address  
City/Town State Zip  
Title  
Phone Fax  
email

Name  
Mailing Address  
City/Town State Zip  
Title  
Phone Fax  
email

### Project Information:

**Novato Disposal Services**

Address(es) **2543 Petaluma Blvd South** City/Town **Petaluma, Ca. 94952**  
Assessor's Parcel Number(s) **APN 019-220-038** Acreage **5.40**

Project Description: **Revision to PLP 02-0072**  
(Please attach additional sheet(s) if needed)  
Site Served by Public Water?  Yes  No Site Served by Public Sewer?  Yes  No Number of new lots proposed **0**

DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff

Planning Area: \_\_\_\_\_ Supervisorial District: \_\_\_\_\_ Current Zoning: \_\_\_\_\_ General Plan Land Use: \_\_\_\_\_  
Specific Plan: \_\_\_\_\_ S.P. Land Use: \_\_\_\_\_ Needs CEQA Review?  yes  no

### Commercial/Industrial Uses: (Enter numbers where applicable)

Bldg. sq. ft. Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_ Existing Employees: \_\_\_\_\_ New Employees: \_\_\_\_\_  
New Manufactured Homes: \_\_\_\_\_ New Units For Sale: \_\_\_\_\_ New Units For Rent: \_\_\_\_\_ Density Bonus Units: \_\_\_\_\_  
Violation?  yes  no; Application resolve planning violation?  yes  no; Penalty applicable?  yes  no; Civil Penalty Factor \_\_\_\_\_

Previous Files: \_\_\_\_\_  
Application accepted by PLP 02-0072 Date \_\_\_\_\_

**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue ♦ Santa Rosa, CA ♦ 95403-2829 ♦ (707) 565-1900 ♦ Fax (707) 565-1103

# Supplemental Application Information

Existing use of property: Light Industry Redcycling Facility

Acreage: 5.40

Existing structures on property: Several small buildings housing office, garage, scale, employee room, material storage, and 14,000 square foot processing facility

Proximity to creeks, waterways and impoundment areas: None

Vegetation on site: Two native oak trees and landscape planted according to PLP02-072

General topography: Flat

Surrounding uses to (Note: An adjoining road is not a use.)

|        |                                 |        |                              |
|--------|---------------------------------|--------|------------------------------|
| North: | <u>Shamrock Gravel/Industry</u> | South: | <u>None:Peta Blvd, US101</u> |
| East:  | <u>Truck Parking</u>            | West:  | <u>Truck Parking</u>         |

New structures proposed (size, height, type): None

Number of employees: Full time: 13 Part time: 13 Seasonal: \_\_\_\_\_

Operating days: Seven Hours of operation: ~~M-S 4am-6pm, Sun 9am-4pm~~ 24 hours a day

Number of vehicles per day: Passenger: 45 Trucks: 168

Water source: Public Sewage disposal: Septic

Provider, if applicable: North Marin Provider, if applicable: \_\_\_\_\_

New noise sources (compressors, power tools, music, etc.): None

Grading proposed: Amount of cut (cu. yds.): None Amount of fill (cu. yds.): None Will more than one acre be disturbed by construction of access roads, site preparation and clearing, fill or excavation, building removal, building construction, equipment staging and maintenance, or other activities? Yes \_\_\_\_\_ No No If Yes, indicate area of disturbance(acres): \_\_\_\_\_ Identify method of site drainage (sheet flow, storm drain, outflow to creek or ditch, detention area, etc.): \_\_\_\_\_

Vegetation to be removed: None

Will proposal require annexation to a district in order to obtain public services: Yes \_\_\_\_\_ No No

Are there currently any hazardous materials (chemicals, oils, gasoline, etc.) stored, used or processed on this site? Yes Yes No \_\_\_\_\_

Will the use, storage, or processing of hazardous materials occur on this site in the future if this project is authorized? Yes Yes No \_\_\_\_\_

Fire safety information (existing/proposed water tanks, hydrants, emergency access and turnaround, building materials, etc.): Have 2010 Sonoma County Adopted Fire Safety Plan



# Indemnification Agreement

PJR-011

"As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in conjunction with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the County. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect."

**James Salyers, Vice President**

Applicant Name

Applicant Signature

**Novato Disposal Services**

Owner Name

Owner Signature

**December 5, 2012**

Date

File No.

NOTE: The purpose of the Indemnification Agreement is to allow the County to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

**Sonoma County Permit and Resource Management Department**

2550 Ventura Avenue ❖ Santa Rosa, CA ❖ 95403-2829 ❖ (707) 565-1900 ❖ Fax (707) 565-1103

December 12, 2012

Project Description

Use Permit Amendment

(PLP 02-0072)

Novato Disposal Services

2543 Petaluma Blvd. South

Petaluma, Ca. 94952-5534

Submitted by:

Eric J. Koenigshofer

P.O. Box 218

Occidental, Ca. 95465

(707) 874-2389

ejklaw@yahoo.com

**Summary:**

This is a request to make a modification to an existing use permit (PLP 02-0072).

The project site is a 5.4 acre property located at 2543 Petaluma Blvd South, Petaluma (APN 019-220-038).

On February 8, 2005 the Board of Supervisors unanimously approved a use permit for this property (BOS Res. No. 05-0134). The approved use permit provides for a variety of uses including a light processing recycling facility allowed to process up to 500 tons per day (TPD) of recyclable material.

This amended proposal seeks to clarify approval to process no more than 130 TPD of Construction Demolition and Inert Debris (CDI)<sup>1</sup> which is a part of and well within the 500 TPD of recyclable material processing allowed by the 2005 use permit.

All of the proposed CDI processing will take place inside a building newly constructed with environmental mitigations for light recycling processing. The

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<sup>1</sup> Title 14 refers to Construction and Demolition Inert Debris (CDI) in the California Code of Regulations. This is the same material that is also called "Construction and Demolition". The term CDI is used to be consistent with the State language.

daily volume of CDI which will be processed on-site inside the existing building will be limited to 130 TPD. (See Building K Interior Layout and Truck Circulation designed by Civil Design Consultants, Inc. April, 2012)

As an offset of impacts associated with the proposed modification to allow indoor CDI processing, it is also proposed that several uses now allowed by the existing use permit be eliminated. The proposed offsets will result in a decrease in both on and off-site impacts allowed and currently mitigated under the existing use permit.

Several key points must be noted as this request is evaluated:

- 1) All CDI processing will occur inside an existing building which has environmental mitigations including a closed loop drainage system/holding tank and fire suppression systems.
- 2) A separate permit from CalRecycle is required and will be obtained after CEQA review and use-permit modification approval. The CalRecycle permit may further condition and limit uses on the site.
- 3) Several uses approved in 2005 will be eliminated to offset traffic and other impacts of the proposed CDI use.
- 4) The total amount of recyclable material of all types processed on site will be below the allowed level of 500 TPD.
- 5) The entirety of all proposed operations on the property will be well within or below the activity level evaluated and allowed by the existing use permit.

**Existing Use Permit:**

The use permit approved in 2005 allows for processing of up to 500 tons *per day* of recyclable material. This includes all recyclable material typically found in the municipal "waste stream".

The 2005 use permit also allows for operation of: a) an "open to the public" recycling buy-back center; b) a vehicle maintenance facility including a paint booth and vehicle washing facility; c) equipment storage yard; d) indoor tire and metal recycling; e) outdoor storage of portable toilets; f) outdoor sorting, storage and baling of paper, cardboard and aluminum cans as well as administration services for Novato Disposal Services which are located on site.

**Proposed Changes to Existing Use Permit:**

While other permit activities have been implemented, the following permitted activities have not been implemented and are now proposed to be eliminated.

**Activities proposed to be eliminated:**

- 1) Public recycling buy-back/drop off business.
  - 2) Portable toilet rental business
  - 3) Used tire recycling
- 
- 1) Public recycling buy-back center: The elimination of this use allowed by the current use permit results in significant reductions in traffic and other activity on the site. The recycling buy-back center was authorized to be open to the public 7 days a week from 8am to 5pm Monday through Saturday and from 9am to 4pm on Sundays. The elimination of this aspect of the 2005 use permit reduces vehicle trips by members of the public. Likewise, this change reduces vehicle trips by employees associated with performing these functions.
  - 2) Portable toilet rental business: The elimination of this use allowed by the current use permit will further reduce vehicle trips in the form of reduced truck traffic picking up and dropping off portable toilet units as they are rented and returned from the field. This change also reduces the number of employee vehicle trips by eliminating those associated with this aspect of the operation.
  - 3) Used tire recycling: Public tire recycling is allowed by the current use permit inside the existing building. This tire recycling will be eliminated and will be replaced within the building by the C&D processing herein proposed.

**Proposed replacement activity:**

Construction Demolition Inert Debris processing is proposed to replace the activities identified for elimination in the above section. All CDI handling will take place inside the building previously intended for tire and metal recycling. As noted, the public tire recycling and metal recycling other than the metal found in CDI loads or the blue bin will be eliminated.

Therefore, Novato Disposal requests that this proposal allow 130 Tons per Day of CDI, 140 TPD of Single stream materials, and 25 TPD of cardboard. That is a reduction from 500 TPD to 295 TPD of material.

**Nature and Quality of Waste**

The 130 TPD of non-hazardous CDI material is defined by Cal Recycle to include lumber, drywall, metals, masonry (brick, concrete, etc.), carpet, plastic, pipe, rocks, dirt, paper, cardboard, or residual and green waste related to land development. This material meets the definition as contained in Section 17381 (e) of Chapter 3 of Title 14, Division 7.

At times, some of this material such as plastic film or carpet or carpet pad will be source separated at the point of generation. This is both an energy and labor savings methodology. NDS would accept source separated CDI material for baling as part of the 130 TPD CDI materials. CDI metal may also be source separated and brought to the site for consolidation before shipment by bin or trailer to the Bay Area.

Some jurisdictions are beginning to allow different recyclable material into the blue can like household appliances, televisions, and metal. Those materials would also be recycled. As different material is added to the CDI definition or allowed to be collected in the blue can, it would be recycled at the NDS facility. As CDI material definition change, NDS would like the flexibility to evolve with those changes.

At some future point clothing may be recycled. This would be a minor part of the operation (<1%). Clothing would be placed in closed cardboard boxes (Gaylord Box) and sent for processing or reuse.

NDS will continue processing and baling up to 25 tons per day of source separated cardboard. Most of our current accounts for source separated cardboard are construction industry related such as hardware stores, lighting stores, and other accounts that support the construction industry.

The facility will continue to accept and sort up to 140 TPD of source separated single stream material. This material is mainly plastic and glass bottles and paper. It is delivered by NDS trucks and personnel from ongoing curbside accounts.

This is a reduction in the amount (tons) of material allowed in the Use Permit and analyzed in the Mitigated Negative Declaration (MND) by the County of Sonoma. Any impacts to the environment identified in the MND will be significantly lessened due to accepting CDI material and eliminating the public buy back, the portable toilet business and public tire recycling. Furthermore, the mitigations called for in that permit have been constructed.

All of the CDI processing activities will take place within the building and as a condition of the Use Permit any materials stored outside will be under cover of a roof or water proof tarp if in a bin.

The cardboard baler is covered by a roof and located on a concrete slab. The bales are stored outside on the concrete slab usually under the roof.

This material will be collected in the southern portion of Sonoma County and in Northern Marin. It is all source separated as CDI, single stream material or cardboard. We assume that 60% of the CDI is reusable or recyclable. More than 95% of the cardboard will be recyclable.

The *Cascadia, November, 2007 Waste Characterization Study* commissioned by the Sonoma County Waste Agency noted that 27.40% of total countywide waste is C&D. This is slightly higher than State characterization studies. Extrapolating material by percentages from the *Cascadia Study*, we expect the following proportions of CDI inbound material:

|                 |                                      |
|-----------------|--------------------------------------|
| Residual: 40%   | Cardboard, paper, plastic, glass: 3% |
| Wood: 40%       | Gypsum: 3%                           |
| Asphalt: 4%     | Metal: 2%                            |
| Concrete: 4%    | Rock, soil, fines: 2%                |
| Green waste: 2% |                                      |

Green waste in CDI loads will be a very minor part of the operation. The *Cascadia* study indicates green waste is 6% of 36.30 % of the Organics stream. That is less than 2% of total material.

The study did not include metals, recyclable glass, cardboard, paper and plastic in the CDI characterization. This material may make up 3% of the total CDI volume'

### **Cal Recycle Permit Required**

Novato Disposal Services will obtain a full Solid Waste permit from Cal Recycle. The facility is inspected monthly for compliance by the Local Enforcement Agency (LEA) which is a part of the Sonoma County Environmental Health Division. The SWFP must be signed off by PRMD as to meeting Use Permit and CEQA requirements.

Once granted, the State permit can only be changed through an amendment process. The purpose here is to highlight that there is another sophisticated level of State (Cal Recycle) permitting with operational conditions which mirror and strengthen the local Use Permit.

### **CDI Operations**

A 20, 30 or 40 cubic yard box is ordered by a customer. It is picked up when full and delivered to the facility. Trucks with bins cross the scale and then back into the building where the load is tipped on the floor. The tipped loads are checked by the tractor operator before being sorted. The material is sorted by tractor and by hand. Some inbound truck trips will drop their load and take bins of sorted material to the end user or processor on the out bound trip. This is to reduce truck trips to the facility. It is chronicled in the Dec. 4, 2012 W-trans letter attached (Ex B) which updates the 2003 letter regarding PLP 02-0072.

There is no chipping, grinding, or Trammel screen proposed with this modification. Materials will be separated by hand and tractor and placed into bins and stockpiled inside the building until a load is constituted-e.g. wood, cardboard, clean sheet rock, green waste, etc. Once the Roll off container is full it is covered with a tarp and transported to a commodities market or end user. At a future date a portable electric sort line such as a Ptarmigan might be added within the building.

Self-hauls and the public are not permitted to use the facility. Residual is removed daily and there is no putrescible or municipal solid waste received.

The crew will clean at the end of each day including picking up any outside litter. No scavenging will be allowed.

Residual will be removed within 24-hours, green waste within 48 hours, and recyclable material may be stored up to 90 days. No material will be stored outside unless stored under roof or in roll off containers covered with a tarp. The following materials may be stored on site until transported to a market: cardboard and paper, glass, wood, metal, drywall, inert materials.

### **Processing Cardboard**

Cardboard is primarily construction related and source separated. It is brought to the site by both front loaders and rear loaders. The load is from an account and the customers are usually known to drivers and administration. The front end loader or bin is dumped on the concrete pad and moved by tractor. Historically, contamination and residual are at a minimum. The cardboard delivery and baling is sporadic throughout the work day and it is cleaned of contaminants (wood boxes, waxed cardboard, plastic) by hand and pushed onto the baler feed by tractor.

Comingled CDI cardboard will be placed in a bin in the Building K and dumped on the baler apron when full.

The Cranston cardboard baler historically can process three (3) to four (4) tons per hour. Material is typically baled in about four (4) hours per day spread out over the work shift. The bales are stock piled under the shed roof or tarped until a load is constituted. It is then loaded on a flatbed trailer and leaves the site when traffic is at a minimum. The baler area is covered by a shed roof.

### **Processing Single Stream**

The trucks gather material from their assigned routes and dump them on the floor. They are then transferred to a larger trailer or bin for transfer to another facility for sorting and baling. They are transferred by tractor from the floor. A portable sort line may be added in the future to sort this material.

This will start as a transfer operation but further sorting is anticipated for the future.

### **Material Load Out**

Bins will be placed around the inside perimeter of the building to hold CDI material including lumber, drywall, metals, masonry (brick, concrete), wire, plastic, pipe, rocks, dirt, paper, cardboard, and green waste. Some material will be placed in the outside covered bunkers. (See Ex. C: Civil Building K Layout April, 2012).

All material will go to a location permitted to take that commodity. Wood and green waste will go to Sonoma Compost or the Soiland facility on Llano Road; metals to Oakland or Sacramento, Ca.; plastics and mixed recycling to Stockton, Ca.; concrete to a local recycle company; asphalt to a local recycle company; clean drywall to Oakland, and, paper and cardboard to Oakland. Most commodity deliveries are to markets in the Bay Area.

### **Surface Drainage and Run- Off Control Plan**

The facility is graded to direct run off to a grass lined bio swale that runs adjacent to, and parallels the property line. The drainage swale was installed as a condition of the Use Permit and directs storm water to the west and a drain inlet (northerly) that ties to the municipal storm drain located in Landing Way. The Civil Design drawings are contained within the PRMD file for UP 02-0072.

Drains installed in Building K are designed to capture all liquids from CDI processing as well as any water from dust control. This is a closed system and the liquid, if any is directed to underground holding tanks. Any water captured in the holding tank is used to irrigate onsite landscaping. As CDI is a dry operation, very little runoff water is generated. Most if not all water from dust control will be 'absorbed' by the inert materials and dust on the floor.

Novato Disposal is participating in the Regional Water Board General Storm Water Permitting program. A storm water monitoring program and Best Management Practices have been implemented to monitor the effectiveness of storm water pollution prevention at the facility.

There is no quench water, process water, or 'wash down' water at the facility. Cleaning will be by sweeping. The site will occasionally be swept by mechanical sweeper.

All drainage plans and pollution control improvements were designed by a civil engineer, Civil Design Consultants, Santa Rosa, California and installed as approved by the County of Sonoma.

The truck wash facility located on-site drains into a holding tank. This is a self-contained closed loop system and the water is recycled for reuse. There is no discharge from the site other than rainwater runoff.

The site is not listed and is not a HazMat site. An underground fuel storage tank, installed by a previous owner, was removed under permit from and cleared by the Sonoma County Environmental Health Department as a part of the recent site upgrade.

The Northwest Pacific right of way and rail bed are adjacent and parallel to the East property line. All structures are above the 100 year flood line.

### **Water and Sewer**

Water for fire suppression and human consumption is provided by North Marin Water District, a public entity.

Waste is discharged to a septic mound system that is monitored monthly by a Registered Sanitarian. The disposal capacity was established by Earth Systems and PRMD Septic Division based upon design construction and the required monthly monitoring program. Currently, there is adequate septic disposal for thirteen fulltime employees (FTE). The fourteen (14) truck drivers are counted as a percentage of FTE and translated into vehicle trips per day as they are onsite for a limited amount of time each day. We are within the threshold of vehicle trips per day calculated for septic loading.



Administrative staff will be transferred to another location when more process workers are needed. This will be done to avoid overloading the septic system.

### **Health and Safety**

The Company is committed to providing a safe and healthful workplace for all employees. Safety training is an important part of the operation. Every new employee is required to go through an orientation to adequately train them in health and safety issues. The training includes topics on:

- Health and Safety
- Protective Equipment
- Emergency Response
- Environmental Compliance

Employees also participate in quarterly safety briefings and are trained in emergency procedures. Topics vary and differ with job function. Sorters are trained to recognize and properly handle medical waste or hazardous material that may be accidentally included in the loads brought to the facility. Equipment and vehicle operators are given training in operating and maintenance instructions. Copies of training records are kept on file at the facility offices.

### **Odor**

There should be little or no odor connected with this operation. No Municipal Solid Waste is allowed and no public tipping occurs. All CDI material received will be from Novato Disposal Services (NDS) accounts. There are no putrescibles in the single stream material as it is source separated. We expect less than one percent putrescible from the CDI which will be isolated into a metal bin and removed from the site daily. State regulation imposes the 1% putrescible limit and directs that they be removed within a 24-hour period.

Green waste will not be received in straight or single loads. Green waste (including brush) will be comingled with some CDI loads. We expect comingled green waste to be below the 2% that *Cascadia* identified in the 2007 Sonoma County Waste Characterization Study. This is because of the aggressive recycle efforts of collectors and Sonoma Compost to capture this material; aggressive green waste collection in the cities; and, that no public tipping is allowed at the site. Green waste will be maintained in a metal box under roof inside the building. The green material is separated from the load and put into a bin as soon as it is picked up from the floor. Piles are not maintained on the floor. Green waste will be removed within 48-hours and before it produces odor. There should be less than three (3) tons green waste per day at maximum operation.

The Sonoma Compost composting site is within 10 miles at the Central Landfill. The material will be put to beneficial use.

The Petaluma Marsh and River are downwind to the east. As there are no nearby residences, the potential odor impact will be less than significant.

## **Dust**

Site dust is minimized because the roads are newly paved with asphalt or concrete. New concrete aprons have been added in front of Building (K), the baler area, and the bin storage areas. The outside storage bin areas are paved. Some long term empty bin storage is in rocked areas. The bio swale on the North property line has plant material maintained in the swale and is designed to mitigate wind borne dust from the site. Traffic and operations take place on paved areas.

Neither cardboard nor single stream processing will generate dust.

There is no grinding or chipping of material. The possible dust produced by operations will be inside of the Building K. Dust would primarily come from the tipping of loads onto the sort floor. Caution will be taken to keep dust off of the floor by regular cleaning and 'brooming'. Hose and spray nozzles will be available for dust suppression during CDI tipping and sorting. The building is plumbed for a mist system and a mist system will be installed prior to processing CDI. The system will be designed by a design professional. Workers will be issued masks along with other safety equipment. Personnel training will include dust prevention techniques as part of the ongoing Safety training program. Cleanup inside of the building will be ongoing.

Material is isolated by type into bins or trailers for transportation to an end user. Residual will usually be taken to Central Disposal site. Material is separated by hand and by tractor. It is usually loaded by tractor into the respective receptacle. Dirt and concrete loads will be taken directly to a recycler or for reuse and not tipped at the facility. Attempts will be made to separate Gypsum board at the work site. Clean gypsum will be recycled. Potential dust producing material can be sprayed with water by hand. Good work habits will reduce significant dust production-e.g. avoid crushing sheetrock with tractor, alerting workers to potential dust producing loads. There will be no drilling mud, bentonite, or chemical enhanced soil accepted at the site.

There are three portals on the North end of the building that will remain open during operating hours. Trucks will back into the building. Dust should not escape the building nor be subject to blowing wind. The mist system should suppress any dust from normal operations.

The Bay Area Air Quality Management District does not require a permit for CDI and Recycle operations of this magnitude when no grinding or crushing is involved. The facility will comply with any BAAQD directives.

## **Fire**

The Fire Prevention Plan was signed off by Rob McIntyre, Sonoma County Assistant Fire Chief Fire Marshall on August 20, 2011. The facility is located in the San Antonio Volunteer Fire Company jurisdiction. There are quarterly inspections by County Fire Services. The closest San Antonio fire station is located about 150 feet from the facility.

There is a fire suppression system installed in building K as approved by the County of Sonoma. It is a pressurized system serviced by the North Marin Water District. Two fire hydrants were installed on site as part of the recent

Use Permit upgrades. The building system and hydrants are inspected to insure that pressure and service requirements are met.

Fire and Safety standards are followed in the garage operations. Oils and greases are separated into approved containers for recycling. They are maintained according to regulation. Smoking is only within designated areas. Fire extinguishers and spill lockers are maintained on site in designated locations.

### **Traffic and Circulation**

Onsite traffic is reduced by the elimination of the activities outlined above. The only public access to the site is to the administration area at the North end of the property. When admin staff is moved, there will be no public access. All other traffic is to the south of the site including the proposed CDI operation.

As part of the 2005 Use Permit process W-Trans conducted a traffic analysis of the operation proposed at 500TPD finding that maximum operations would result in 190-214 trips per day. W-Trans concluded this number of trips was a "less than significant" impact on traffic in the applicable area of analysis. Certain street and circulation improvements were required and have been achieved or bonded for consistent with the specific conditions adopted when the Use Permit was approved in 2005.

The proposed modification results in total traffic within the limit analyzed by W-trans:

#### **Total Daily Site Traffic**

##### Inbound trips:

|  |    |
|--|----|
| CDI Trucks (130 TPD at 4.2 tons per truck (TPT)      | 62 |
| Single -Stream Collection Trucks (140 TPD @ 4.2 TPT) | 66 |
| Cardboard Trucks (25TPD @4.2 TPT)                    | 12 |

##### Outbound trips:

|   |           |
|---|-----------|
| Removal of CDI Residual Waste (130TPD x.40 @ 20 TPT)          | 6         |
| CDI Material to Market Trucks (130TPDx .20 @ 4.2 TPT)         | (-12)     |
| CDI Wood trailer (130TPDx.40@ 20TPT)                          | 6         |
| Transfer Trucks: Single Stream Recyclables (140 TPD @ 20 TPT) | 14        |
| Visitors (after Admin moved)                                  | 4         |
| <u>Employees</u>  | <u>39</u> |
| Total daily trips:  | 213       |

TPT=Tons per Trip; TPD=tons per Day;

(-12)= Material leaves on truck that brought material into facility and is counted only once as inbound and once as outbound reducing the 'deadhead' trips. Eventually that driver returns with a bin of material completing the cycle. (See W-trans Dec. 4, 2012 letter).

### **Diesel Emissions**

Erickson Energy and Environment submitted an analysis dated April 7, 2012 that analyzes the reduction in diesel particulate matter. It is estimated that the fleet has reduced emissions from 270 pounds per year of DPM to 23 pounds per year post vehicle retrofit.

### **Green House Emissions**

The analysis of GHGs by Erickson indicate that the traffic and material processing generation of GHGs pre and post Use Permit modification are not a factor as these functions remain the same. That is, no change from traffic and processing.

However, the diversion of organics from the landfill is a known factor in preventing GHGs. Both State and local GHG reduction strategies depend upon bringing land fill generated gases under control. Diversion of organics from the landfill is a key to GHG reductions. The CDI diverted by this proposal will result in a reduction of GHGs generated by landfilling the same material by a factor of 80% (Erickson p.4). One can only conclude that this modification is positive for reducing Green House Gases.

### **Station Improvements**

There were many station improvements conditioned as per the Use Permit. This included paving of the site, frontage landscaping and changes in the driveway and street access. The site is accessible via all surface roads during wet and dry weather periods. Building K is a new metal building designed for recycle operations.

A signage plan conforming to the County planning standards has been implemented to ensure safe operations. A Sign is now located at the entrance to the facility with hours of operation, facility operator, not open to the public, speed limit and facility telephone number.

The facility is screened at all property lines by landscaping, walls and fencing. All conditions of Use Permit PLP02-0072 have been implemented except certain street frontage and some landscape improvements. A Design Review plan is adopted and is implemented. Cal Trans is altering the street frontage at Landing Way and on Petaluma Blvd South necessitating delay. Landscaping will not be completed in that area until the CalTrans project is completed. There is a bond to insure installation.

The site is secured by a perimeter fence, wall or a combination of the two. Access is controlled through the gated entrance and exits. Gates are closed during hours when waste is not received.

The scale area has been improved and paved. The queue is adequate on site to avoid any trucks queuing on Petaluma Blvd South.

### **Vectors**

Bird and Animal Control: Control begins with cleanliness. Material will not be stored on site to attract rodents. As there is no MSW, birds should not be attracted. Birds will be controlled with mimicry of predators and distress calls if they should become a nuisance. The site is fenced to exclude domestic and feral animals.

### **Waste Quantities**

If this amendment is allowed, the facility will process 140 TPD of single stream material, 130 TPD of CDI materials, and 25 TPD of cardboard. This is within the 2005 Use Permit allocation of 500 TPD. We do not expect to process the maximum tonnage of CDI for a few years. Processing employees will be added as material amounts increase.

However, if the maximum quantity (130TPD) were received for 365 days per year, that would be 47,450. We assume a recycle/reuse rate of sixty (60) percent for CDI. This is 2,373 tons per month ( $47,450 \times 60\% / 12$ ) of recycled material. At a residual rate of forty (40) per cent, this is 1,582 tons of residual per month ( $47,450 \times 40\% / 12$ ). The residual is top loaded into a fifty-five foot trailer within the building. At maximum capacity, there would be three (3) trailers per day.

In the beginning, wood will be loaded into 20 cubic yard boxes and taken out by one of NDS inbound trucks on the outbound leg. Wood is the most prevalent material by volume and it will also be loaded into a 55 foot trailer and we anticipate five (5) outbound trailers at peak capacity of 130 TPD using the same calculation as for residual.

Twenty-four (25) TPD of cardboard will allow the material generated in the South County to be processed at this facility. Cardboard generates about five (5) per cent residual. This is slightly over one ton per day and will not increase the outbound traffic estimates as the residual will be taken out by an inbound truck. We would therefore not anticipate more than 30 tons per month of residual.

Up to 140 tons per day of single stream material will be processed within the building. It will be tipped behind K-rail barriers and loaded by tractor into a trailer. This material will be brought in by smaller load and transferred out in larger trailers.

The floor is designed to accommodate a maximum of four (4) vehicles tipping simultaneously. The CDI operation will be separated from the single stream material. Given a five minute tipping time, forty-eight (48) vehicles could tip in a given hour.

### **Number of Employees**

The existing Use Permit allows 27 employees but the current sewage disposal system capacity limits employees to 13. The proposed operation is within this limitation and is no change from the current approved conditions of operation. Administrative personnel will be moved off site and replaced with CDI workers.

### **Safety Equipment**

Workers are given safety training and hard hats, reflective vests, gloves and safety boots must be worn by employees working on the yard at the facility. Dust masks will be available in the CDI building. The garage, Administration and Building K are equipped with first aid supplies.

Hazardous waste response equipment is located in a spill response locker to be used for emergency response. This equipment typically consists of absorbent, brooms, 55 gallon drums, protective gloves, clothing, and goggles.

An eyewash station will be installed in Building K prior to CDI operation. There is currently an eyewash station in the garage.

### **Hazardous Waste Load Check Program**

The facility does not intentionally accept or store hazardous materials including batteries, oil, fluorescents, Treated Waste Wood, paint and special waste. The education with the customer begins with the call for service as they are told what is prohibited. The prohibited material is listed in the contract. If discovered on the tipping floor, the material will be segregated and placed in special containers according to category:

- Flammable and combustible
- Oxidizers
- Poisons
- Corrosives (acids)
- Corrosives (bases)

We expect that some Treated Waste Wood, fluorescent lights, and mercury switches may be found in occasional loads. This material will be placed in an appropriate receptacle. Should refrigerators and appliances containing mercury be tipped, they will be stored until there is enough volume to call a certified company to remove the Freon or mercury. It will be removed within 30-days in any case.

The tractor operator spreads the load and observes the material. The floor staff is trained to spot prohibited material. If prohibited material is discovered, the tractor operator must make an evaluation of the situation to determine the necessary steps to ensure worker safety. The driver is instructed to call the Site Manager if any material is discovered that appears to be hazardous or flammable. Protocols for handling hazardous material will be posted on site.

One load per quarter will be pulled apart and inventoried to determine constituents. This will serve as a spot load check exercise. It will also serve as a training exercise for floor workers. This exercise should take about twenty minutes.

Should a dangerous situation exist, the appropriate local agencies including fire, Health and HazMat Division of Sonoma County, and the Sonoma County LEA will be notified immediately. A 911 call will be made in the event of immediate danger, serious injury, or fire.

A Hazardous Material locker is near the garage. Oil storage is behind the garage. The new storage lockers will be added to the C&D building, the precise location and type to be determined in consultation with the Local Enforcement Agency (DHS).

### **Medical waste**

The facility does not accept medical waste. Should medical waste be discovered in a load it will be rejected. If dumped on the floor, it will be cordoned off, operations shifted to another part of the floor and the Sonoma County DHS/LEA will be called. If the determination is made the waste is a hazard, a licensed medical waste hauler will be called.

Over the counter drugs will be placed in a special container for appropriate disposal. Any needles will be placed in an appropriate red box receptacle.

### **Site Security**

The facility is enclosed by a fence or wall the length of the parameter. Ingress is through a controlled access gate (scale house) and the public does not visit the processing area. The public is only allowed at the administration building and is guided by signs. During hours when waste is not received, entrance gates are closed to the public.

### **Conclusion:**

PLP 02-072 allows 500 TPD of recycle material to be processed in a "light processing facility." That Use Permit permitted "metal and tire" recycling as a part of those operations to be conducted within a newly constructed 12,000 square foot building. Substituting CDI material for metal and tire recycling is within the CEQA analysis provided for that Use Permit since the operation is entirely within a building. This is particularly true in that NDS will eliminate the portable toilet business, public tire recycling, and the public buyback component. Two of those operations eliminated were to be conducted outside. This will lessen environmental impacts analyzed in the original application particularly with respect to traffic, number of employees and site runoff. The Planning Commission agreed with this position. That decision was appealed to the Board of Supervisors.

Novato Disposal Services now applies for a modification to the Use Permit. This is to clarify future operations in order to meet the services needs of

the South County and Marin. Novato Disposal Services believes that this will allow better service to the public, meet County waste diversion and Green House reduction goals.

Attachments:

Site Plan

Ex. A: Civil Design Consultants Building K Layout

Ex. B: Civil Design Consultants Building K Circulation

Ex. C: W-trans letters of Dec. 12, 2012

Ex. D: Erickson Energy and Environment DPM Analysis

Ex. E: Erickson Energy Green House Gas Analysis



**Novato Disposal Service, Inc.**  
P.O. Box 1916  
Santa Rosa, CA 95402

October 15, 2013

Mr. Ken Ellison, Supervising Planner  
Sonoma County PRMD  
2550 Ventura Avenue  
Santa Rosa, Ca. 95403

RE: Novato Disposal Services,  
Proposed Amended Hours for Requested Amendment to  
PLP02-0072 (ADA10-0005)

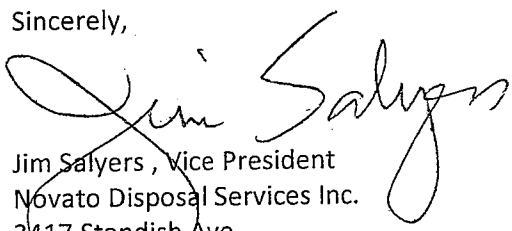
Dear Mr. Ellison,

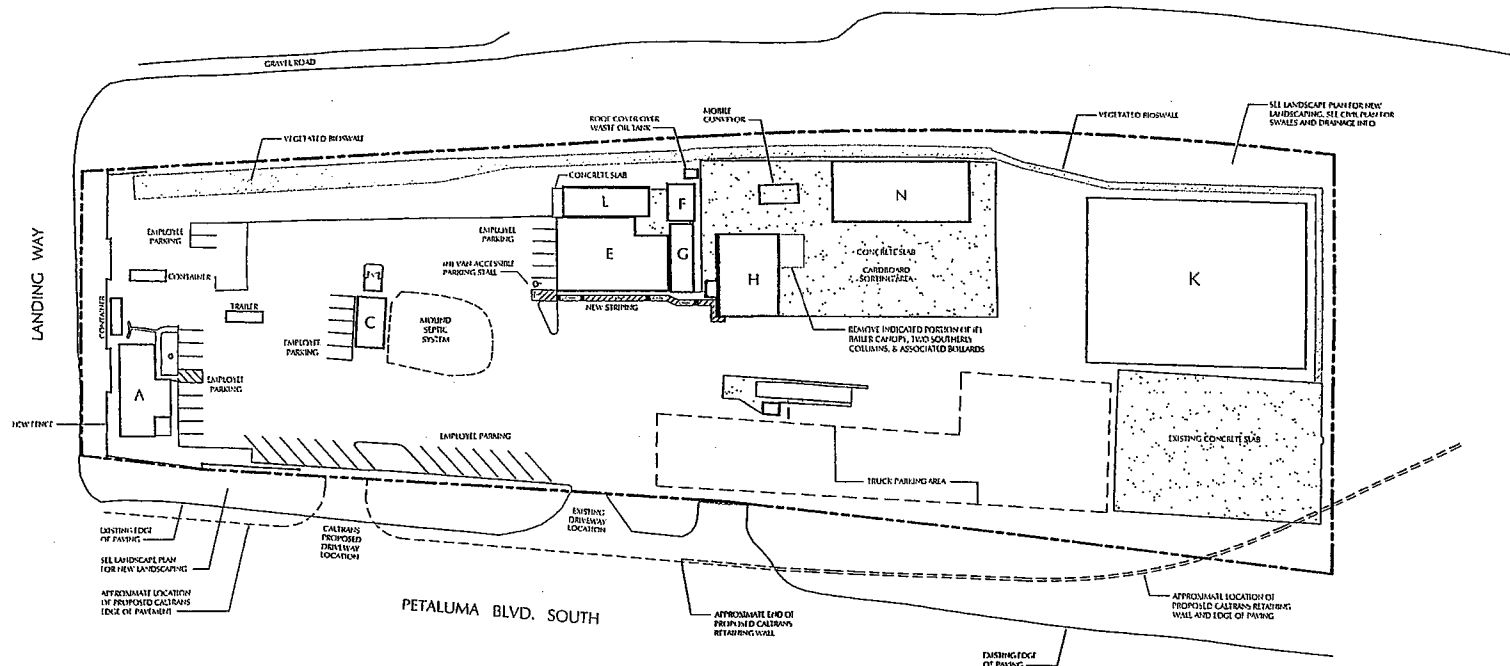
Please accept this request to amend the requested hours of operation for the Novato Disposal Services (NDS) use permit application to twenty-four (24) hours per day, seven (7) days per week.

This will allow NDS sufficient flexibility to meet changing Bay Area and local transportation and processing demand. Given that there are caps on the total amount of material processed, this change should decrease any potential impact associated with the shorter hours.

Please do not hesitate to call if you have any questions t 707 586-5533.

Sincerely,

  
Jim Salyers, Vice President  
Novato Disposal Services Inc.  
3417 Standish Ave  
Santa Rosa, Ca. 95472



**BUILDING LEGEND**

- A - OFFICE
- B - NOT USED
- C - DISPATCH
- D - NOT USED
- E - MECHANIC SHOP
- F - TIRE SHED
- G - PAINT BOOTH
- H - BAILER CANOPY
- I - WEIGH SCALE SHED
- J - NOT USED
- K - TIRE & METAL RECYCLING BUILDING
- L - PROPOSED CANOPY OVER VEHICLE WASH AREA
- M - NOT USED
- N - PROPOSED CANOPY OVER RECYCLE SORTING BUNKERS

**NOVATO DISPOSAL**  
 2543 PETALUMA BLVD. SOUTH, PETALUMA, CALIFORNIA

**SCHEMATIC SITE PLAN**

SCALE: 1" = 40'-0"



**TIERNEY/FIGUEIREDO**

817 RUSSELL AVE. SUITE 14 SANTA ROSA, CA 95401  
 (707) 576-1887 (707) 576-1888 FAX (707) 576-1887

**ARCHITECTS AIA**

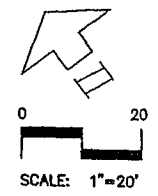
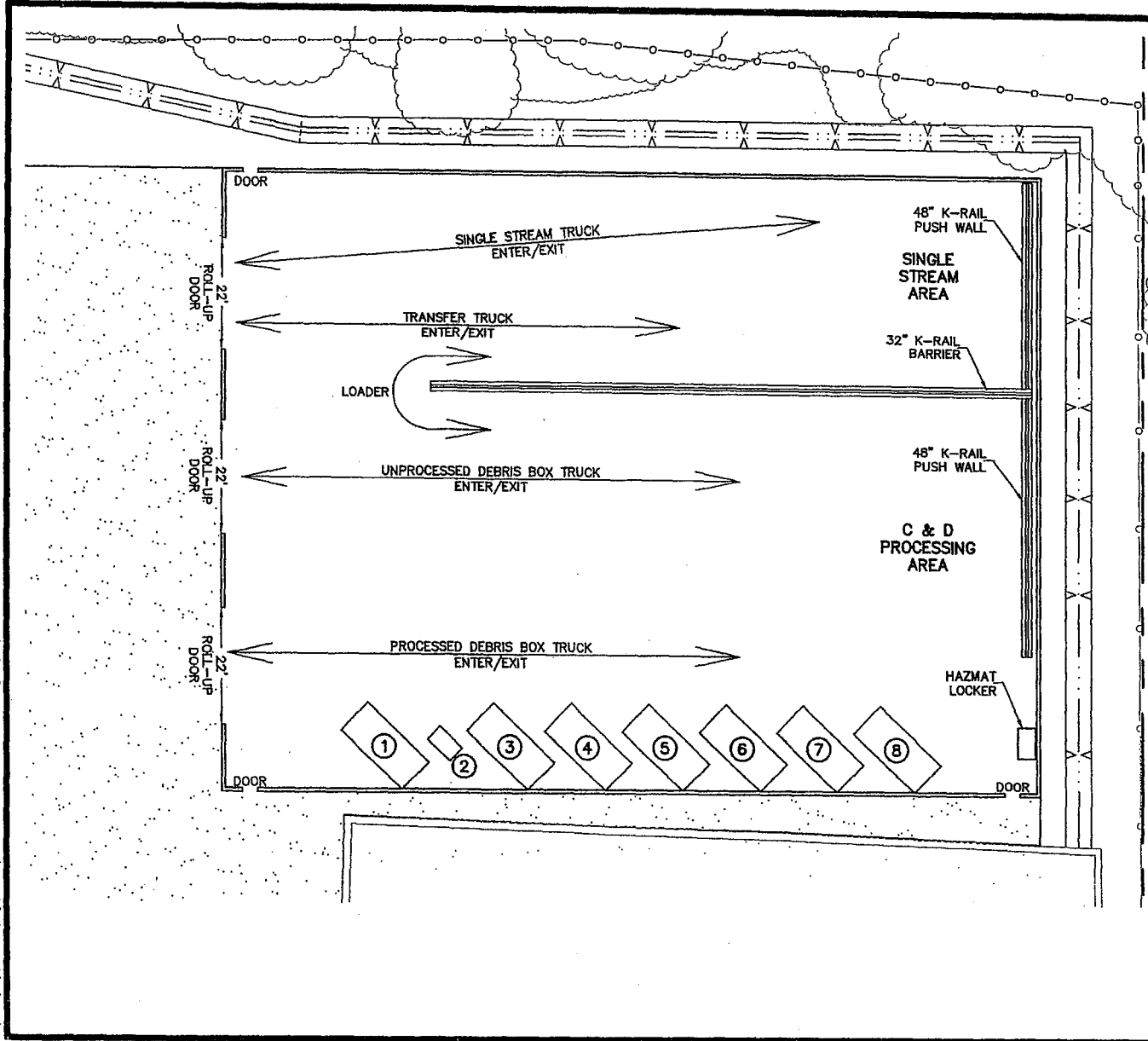
1028 10

**Exhibits for Novato Disposal Service**

**Amended Use Permit**

**12/12/2012**

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**DEBRIS BOX LEGEND:**

|   |                     |       |
|---|---------------------|-------|
| 1 | RESIDUAL            | 20 CY |
| 2 | METAL               | 4 CY  |
| 3 | CARDBOARD           | 20 CY |
| 4 | WOOD                | 20 CY |
| 5 | ORGANICS            | 20 CY |
| 6 | SHEETROCK           | 20 CY |
| 7 | GREEN WASTE         | 20 CY |
| 8 | MIXED PLASTIC/FIBER | 20 CY |



CIVIL DESIGN CONSULTANTS, INC.  
 2500 RANCHO AVENUE, SUITE 204  
 PLEASANTON, CALIFORNIA 94566  
 (925) 938-8800

BLDG. K INTERIOR LAYOUT  
 NOVATO DISPOSAL  
 2543 PETALUMA BOULEVARD SOUTH

APRIL 2012

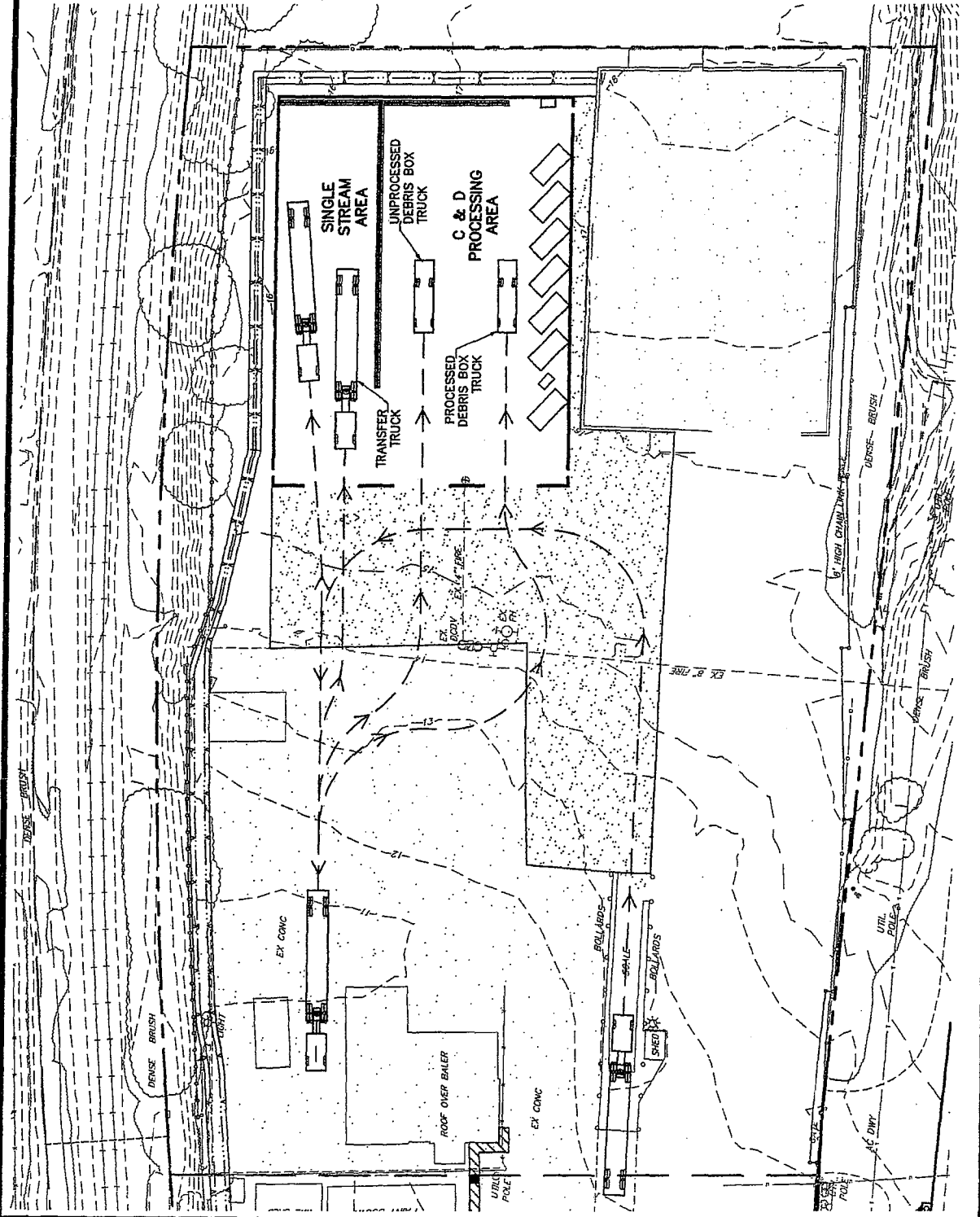
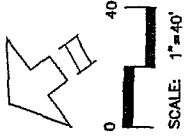
JOB NO.  
02-104

SHEET NO.

**1**

OF 2 SHEET

Exhibit A



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December 12, 2012

Mr. Jim Salyers  
Novato Disposal Services Inc.  
P.O. Box 1916  
Santa Rosa, CA 95402

Whitlock & Weinberger  
Transportation, Inc.

490 Mendocino Avenue  
Suite 201  
Santa Rosa, CA 95401

voice 707.542.9500  
fax 707.542.9590  
web www.w-trans.com

### **Novato Disposal Services Facility Trip Generation Evaluation**

Dear Mr. Salyers;

Whitlock & Weinberger Transportation, Inc. (W-Trans) has completed an evaluation of the anticipated trip generation for the Novato Disposal Services facility at 2543 Petaluma Boulevard South. This evaluation is based on our previous *Traffic Impact Study of the Novato Disposal Services* dated November 4, 2003, together with our discussions. Further, we have received the Use Permit Modification letter from Mr. Eric Koenigshofer to Sonoma County's Permits and Resource Management Department dated September 28, 2012.

We understand that the proposal will remove several uses currently permitted on the site such as recycling buy-back, portable toilet rental and used tire recycling and replace these with construction demolition and inert debris processing. The current use permit allows up to 500 tons of recycling per day with an approved trip generation of up to 214 vehicle trips per day. The purpose of this evaluation was to determine if the proposal will result in additional traffic being generated above that which has already been approved.

Information contained in the use permit application was reviewed. In general, we agree with the projections provided as they are reasonable for operation of this type of facility. The data shows that 295 tons of material is expected to arrive daily at the site, including 130 tons of construction demolition and inert debris (CDI), 140 tons of single stream waste and 25 tons of cardboard. However, the data only shows 270 tons per day leaving the site that including the 130 tons of construction demolition and inert debris in the form of refuse (40 percent of the total 130 tons), recyclables (20 percent) and wood (40 percent) and 140 tons of single-stream recyclables. The 25 tons of cardboard were not accounted for in the materials leaving the site. Based upon our experience evaluating other recycling operations, it can be expected that the 25 tons of cardboard will be consolidated and leave the site on one truck carrying 20 tons with the remainder accumulated and loaded on a second outbound truck every fourth day. Also, it is be expected that there will be other trips for delivery of repair parts, fuel and supplies necessary for the operation of the site. Trips made to the site for support services will occur randomly throughout a typical week and will cumulatively result in one additional round trip per day.

The operation of refuse processing at the site can reduce the number of overall truck trips by linking outbound trips with inbound trips. Outbound CDI truck trips hauling material to markets leave loaded and after unloading pick up a loaded container at a job site before returning to the facility. These linked trips reduce the number of inbound CDI truck trips by a number equal to the outbound CDI to market truck trips. These linked trips reduce the overall truck trips to and from the facility.

Table 1 presents the number of daily trips that each of the proposed site uses are expected to generate, including employees and visitors as well as the material arrival and departure. Trips are divided into those for receipt of materials, hauling processed materials away from the site, and other deliveries and passenger vehicles.

**Exhibit C**

**Table 1  
Expected Daily Trips**

| Site Use   | Vehicles | Project Driveway Trips |
|--|----------|------------------------|
| <b>Trips to Receive Materials</b>                                      |          |                        |
| CDI Trucks (130 TPD at 4.2 TPT) <sup>1</sup>                           | 31       | 62                     |
| Single-Stream Collection Trucks (140 TPD at 4.2 TPT)                   | 33       | 66                     |
| Cardboard Trucks (25TPD at 4.2 TPT)                                    | 6        | 12                     |
| <b>Trips to Ship Materials</b>   |          |                        |
| Removal of CDI Residual Waste (40% of 130 TPD at 20 TPT)               | 3        | 6                      |
| CDI Material to Market Trucks (20% of 130 TPD at 4.2 TPT) <sup>1</sup> | 6        | 12                     |
| CDI Wood trailer (40% of 130 TPD at 20 TPT)                            | 3        | 6                      |
| Transfer Trucks: Single Stream Recyclables (140 TPD at 20 TPT)         | 7        | 14                     |
| Cardboard Trucks   | 1        | 2                      |
| <b>Other Trips</b>   |          |                        |
| Linked CDI Trips (Material to Market – Inbound CDI)                    | -6       | -12                    |
| Miscellaneous Deliveries   | 1        | 2                      |
| Visitors   | 2        | 4                      |
| Employees (13 emp x 3 trips/day/emp)                                   |          | 39                     |
| <b>Total daily trips</b>   |          | <b>213</b>             |

Notes: TPD = Trucks for Day; TPT = Tons per Truck; <sup>1</sup> Trips that are linked; emp = employees

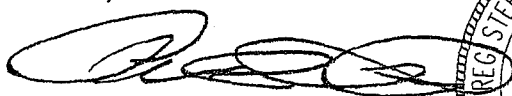
The trip generation developed for the site, including all of the existing and proposed used, averages 213 trips per day. The projected 213 daily trips to and from the site is less than the 214 trips that are currently permitted.

### Conclusions

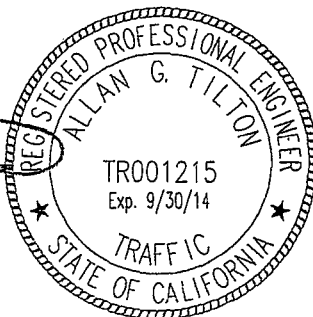
The projected trip generation of 213 trips is less than the maximum permitted over the current permit. It is further concluded that the traffic analysis and resulting conclusions and recommendations as identified in the November 4, 2003, *Traffic Impact Study* remain valid with this proposal.

We appreciate the opportunity to assist you with this evaluation and look forward to working with you in the future.

Sincerely,



Allan G. Tilton, PE  
Senior Associate



AGT/djwSOX152.L4

**Erickson Energy and Environment**  
10355 Burgandy Way  
Sebastopol, CA 95472

December 12, 2012

Ken Ellison, Supervising Planner  
Sonoma County PRMD  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Dear Mr. Ellison,

This is a report on findings related to emissions of Diesel Particulate Matter (DPM) from the Novato Disposal Services Solid Waste Collection Vehicle fleet.

**Background**

*Solid Waste Collection Vehicle Rule*

California's solid waste collection vehicle rule was passed to reduce the harmful health impacts of exhaust from diesel-fueled waste collection trucks. This rule requires owners to use ARB verified control technology that best reduces emissions of DPM and NOX. The rule specifies a phased-in schedule for retrofitting existing vehicle fleets from 2004 through 2010.

*Ultra-Low Sulfur Diesel (ULSD)*

Switching to fuels that contain lower levels of sulfur reduces PM and enhances the effectiveness of retrofit technologies. Emissions reductions from ultra-low sulfur diesel (ULSD) alone will vary depending on the application, level of sulfur reduction, and other fuel characteristics, such as cetane number and aromatics. ULSD is required by EPA regulation beginning in 2007 for highway use.

*Clean Diesel Technology Engine Requirements*

The (Federal) 2007 Highway Rule requires that diesel vehicles produced starting in model year 2007 will meet a PM emissions standard of 0.01 grams per brake-horsepower-hour. Compliance with this standard will be phased-in for manufacturers such that all new diesel vehicles will meet this standard by 2010. Standards for NOX and NMHC were also set. Engine technology changes required to meet these standards are collectively known as "Clean Diesel Technology." These engines are designed to operate using ULSD fuel.

Exhibit D



**Novato Disposal Services Collection Vehicle Status**

There are 12 trucks assigned to NDS. Beginning in 2006, the trucks were retrofitted with the following DPM filter types:

- 6 trucks received Clear Longview level 3 filters
- 4 trucks received Donaldson level 1 filters and 2 received level 3 filters

They were retrofitted as follows:

- 2006- 7 trucks retrofitted
- 2007- 1 truck retrofitted
- 2008- 4 trucks retrofitted

All trucks are currently fueled with ULSD.

The following are results from runs of the CARB EMFAC2007 software which estimates emissions from various vehicle types and model years. These results indicate the PM emissions rate (grams/mile) from heavy duty diesel trucks in model year 2000 (pre-retrofit, non-ULSD) and model year 2010 (post-retrofit, ULSD). These results are meant to be illustrative only, not actual results from the NDS fleet. As shown, the combination of ULSD and DPM filter produces an 85% - 90+% reduction in PM10.

| Pre-retrofit |       |      | Post-retrofit |       |      |
|--------------|-------|------|---------------|-------|------|
| Pollutant    | Name: | PM10 | Pollutant     | Name: | PM10 |
| Speed        |       |      | Speed         |       |      |
| MPH          | HDT   |      | MPH           | HDT   |      |
| 0            | 1.089 |      | 0             | 0.113 |      |
| 5            | 2.153 |      | 5             | 0.046 |      |
| 10           | 1.381 |      | 10            | 0.042 |      |
| 15           | 0.824 |      | 15            | 0.038 |      |
| 20           | 0.513 |      | 20            | 0.035 |      |
| 25           | 0.399 |      | 25            | 0.034 |      |
| 30           | 0.312 |      | 30            | 0.034 |      |
| 35           | 0.253 |      | 35            | 0.036 |      |
| 40           | 0.22  |      | 40            | 0.039 |      |
| 45           | 0.214 |      | 45            | 0.044 |      |
| 50           | 0.235 |      | 50            | 0.05  |      |
| 55           | 0.283 |      | 55            | 0.057 |      |
| 60           | 0.358 |      | 60            | 0.066 |      |
| 65           | 0.46  |      | 65            | 0.076 |      |

December 12, 2012

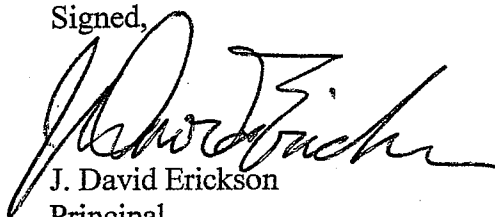
Page 3

Using CARB assumptions for collection vehicles,

- 15,635 mi per year per truck (50% town, 50% highway)
- 1 g/mi rate for town, 0.32 g/mi rate for highway: pre-retrofit/ULSD
- 0.0853 g/mi rate for town, 0.026 g/mi rate for highway: post-retrofit/ULSD

I estimate that the NDS fleet produced 270 pounds per year of DPM pre-retrofit (prior to 2006), and 23 pounds per year post retrofit (after 2008).

Signed,



J. David Erickson  
Principal  
Erickson Energy and Environment

cc: Ernie Carpenter  
Jim Salyers

**Erickson Energy and Environment**  
10355 Burgandy Way  
Sebastopol, CA 95472

December 12, 2012

Ken Ellison, Supervising Planner  
Sonoma County PRMD  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Dear Mr. Ellison,

This is a report on findings related to the greenhouse gas emissions impact of the Novato Disposal Services Use Permit Modification for project site located at 2543 Petaluma Blvd South, Petaluma.

**Background**

*Existing Use Permit*

This Use Permit Modification applies to existing use permit PLP 02-0072. The current permit allows for a variety of uses including processing of up to 500 tons per day (TPD) of single stream, source-separated recycled material. Additional permitted uses include: a) an "open to the public" recycling buy-back center; b) a vehicle maintenance facility including a paint booth and vehicle washing facility; c) equipment storage yard; d) indoor tire and metal recycling; e) outdoor storage of portable toilets; f) outdoor sorting, storage and baling of paper, cardboard and aluminum cans as well as administration services for Novato Disposal Services which are located on site.

*Proposed Modification*

The modifications of permitted operations include elimination of the following:

- 1) Public recycling buy-back/drop off business.
- 2) Portable toilet rental business
- 3) Used tire recycling

These permitted operations were not implemented at the site.

The Modification also requests the addition of facilities to process 130 TPD of Construction Demolition and Inert debris (CDI). This is material that is currently going to landfill.

**Exhibit E**

## **Greenhouse Gas Emissions Impact Discussion**

### *Overview*

The operation described in the NDS Use Permit Modification has two primary sources of greenhouse gas emissions:

- Transportation
- Electrical Energy Use
- Onsite operations fuel use

The operation also conducts activities that reduce greenhouse gas emissions on behalf of the community primarily by:

- Recovering recyclable material. This reduces greenhouse gas emissions associated with energy use in manufacturing using virgin raw materials.
- Diverting organic material from the landfill. Organic material when buried in an oxygen-deprived environment supports the growth of anaerobic bacteria. These bacteria produce methane as a waste product, which is emitted from the landfill as "landfill gas". Diverting organic material from burial in a landfill can significantly reduce the overall greenhouse gas emissions generated by a community.

*Net changes in GHG emissions due to implementing changes proposed in the Use Permit Modification related to direct operations of facility*

### Transportation

According to the Modified Use Permit, trips per day into and out of the facility will remain within the originally permitted range of 190-214 trips per day. Thus for the purposes of this analysis, there is zero net GHG impact due to vehicle trips under the modification.

### Electricity and Onsite Fuel Use

The Modified Use Permit indicates that the existing building and heavy equipment will be used to process the CDI. It is not anticipated that there will be significant change in onsite fuel use or building energy use. No additional processing equipment will be used.

*Net changes in Community GHG emissions due to recycling processing*

Recycling material diverted from the municipal solid waste stream can reduce Community Scope 3 GHG emissions<sup>1</sup> by reducing the need for virgin materials used in manufacturing. Scope 3 emissions are an indirect, “supply-chain” related source of emissions that are accounted for in a broader GHG impact analysis than is usually conducted for community GHG inventories at present.

Neither the cardboard recycling operations nor the single stream recycling operations conducted at the facility are changing. The volume of material that is processed will be the same so there is no net change in Scope 3 emissions. There is no net change in material diverted from landfill by source separated recycling for either cardboard, or single stream recycling operations.

*Net changes in GHG emissions due to CDI processing*

The addition of CDI recycling under the Use Permit modification will produce a net reduction in the direct (Scope 1) Community GHG emissions due to diversion of organic material from the landfill. Currently, the CDI that will be processed at this material is going to landfill. As shown in Table 1, there is a significant organic content that will be recovered in the recycling operation (Wood, green waste, cardboard/paper). Based on the processing amount of 130 TPD, over 1600 tons per month or approximately 20,000 tons per year of organic material will be diverted from landfill.

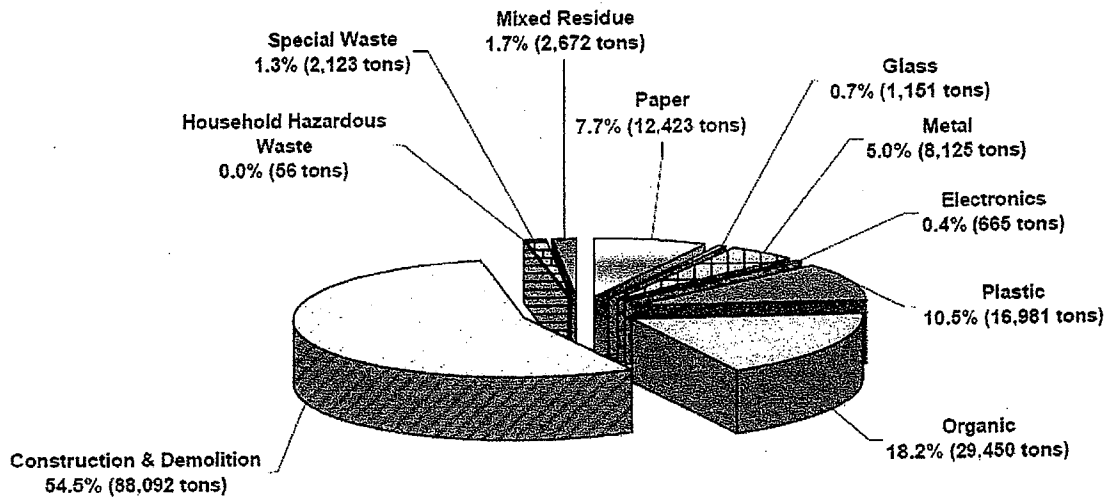
**Table 1**

|                 |                                      |
|-----------------|--------------------------------------|
| Residual: 40%   | Cardboard, paper, plastic, glass: 3% |
| Wood: 40%       | Gypsum: 3%                           |
| Asphalt: 4%     | Metal: 2%                            |
| Concrete: 4%    | Rock, soil, fines: 2%                |
| Green waste: 2% |                                      |

<sup>1</sup> Refer to the Scope 3 GHG Accounting Protocol:  
<http://www.ghgprotocol.org/files/ghgp/public/Corporate%20Value%20Chain%20%28Scope%203%29%20Accounting%20and%20Reporting%20Standard.pdf>

As shown in Figure 1, the residual from CDI processing includes approximately 26% organic material and paper, or 4745 tons per year. This will continue to be landfilled. Overall, this represents a reduction of 80% in the GHG impact of the CDI. This is based on a total organic content of 55% in the input CDI (26,000 tons per year), versus 10% of total input CDI (4745 tons per year of residual organics) going to landfill after recovery of recyclable material.

**Figure 1<sup>2</sup>**  
**Summary of Composition of Residuals - MRFs Receiving Construction and Demolition Materials, 2005**



Signed,

J. David Erickson  
Principal  
Erickson Energy and Environment

cc: Ernie Carpenter  
Jim Salyers

<sup>2</sup> Characterization and Quantification of Residuals from Materials Recovery Facilities  
<http://www.calrecycle.ca.gov/WasteChar/PubExtracts/34106005/ExecSummary.pdf>

January 9, 2013

Sonoma County PRMD  
2500 Ventura Ave  
Santa Rosa, Ca. 95403

Attn: Ken Ellison  
Re: Septic Use at Novato Disposal Service  
PLP02-0072

Dear Mr. Ellison,

I do not have electronic copies of the correspondence between Mr. Barry Ruderman, Earth Systems, and Robert Swift, REHS, Well and Septic Division Supervisor, now retired. They are attached as hard copy. Essentially, as part of PLP02-0072, Novato Disposal Services was required to establish capacity of the mound system installed in 1988. Meetings were held and two letters were written which established this capacity. One, March 6, 2010 from Barry Ruderman, REHS to Swift establishes his estimates of capacities, and then Bob Swift's March 22, 2010 reply which the County has used since for establishing the mound capacity.

Basically, even though UP02-0072 allowed twenty-seven (27) full time employees (FTE), the septic disposal capacity limited total employees to thirteen (13). Further, the truck trips were counted as percentages of FTE. The material base-e.g commodities may change but we believe the truck trips remain within the threshold.

As to when NDS would move the administrative employees off site and back fill with CDI workers, it will happen the day before the first load of CDI arrives. That is, prior to commencement of CDI operations the administrative employees will be replaced with CDI workers.

It should be noted that there was 15% additional capacity (freeboard) in the system after resolution of employees and trips. Also, Mr. Ruderman has monitored the system monthly for a number of years and this monitoring will continue. Those reports are submitted to well and septic. Should you desire more information or clarity from Mr. Ruderman, we can request that information.

Sincerely,



Ernie Carpenter  
4945 Ross Road  
Sebastopol, Ca. 95472  
Consultant to NDS  
(707) 479-2232  
Cc: Eric Koenigshofer  
Attachments (2)



**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

2550 Ventura Avenue, Santa Rosa, CA 95403-2829  
(707) 565-1900 FAX (707) 565-1103

Date: March 22, 2010

To: Mr. Barry Ruderman  
Earth Systems  
1220 Fourth Street  
Santa Rosa, Ca 95404

Re: Novato Disposal Services CDI Processing and Recyclables Transfer Facility  
2543 Petaluma Blvd South  
Petaluma, CA; APN:019-220-038  
Request for Service: Findings Report Review SEP10-0122

Dear Barry:

I have reviewed your March 6, 2010 Findings Report and our files and offer the following comments:

The mound system was originally designed and installed in 1988 for a permitted peak daily loading of 404 gpd based on 15 employees @ 15 gpd, 12 drivers @7.5 gpd and 89 gpd truck wash wastewater discharge =404 gpd.

In February, 2007, in response to PLP02-0072 to legalize and expand the existing facility, you met with Bob Herr and agreed on a calculated wastewater loading rate for the 12 part time truck drivers and 18 full time employees. Note: The truck wash is a closed loop system and does not discharge to the system. Therefore, 17 full time staff (9 office, 6 shop, 2 operations) @15 gpd and 12 part time drivers @7.5 gpd =345 gpd as the calculated wastewater contribution to the system.

The number of full time employees on-site is proposed to be reduced from the current 17 (9 office, 6 shop, 2 operations) to 13 (5 office, 4 shop and 4 operations). As we agreed during our February 2, 2010 meeting and as you note in your March 6, 2010 Findings Report "...instead of counting the individual truck drivers, it would be more accurate to count the vehicle trips, which is delineated in the CDI Transfer/Processing Report." The inbound and outbound vehicles and visitors are typically on-site for a short period of time and not all are expected to use the restroom facilities.

Table 4 of the Transfer/Processing Report indicates a total of 93 vehicles per day (10 visitors and 70 combined inbound and outbound trips per day). The 13 employee vehicle trips are not counted. Therefore, commercial vehicle and visitor vehicle trips @1.875 gpd per vehicle=150 gpd and 13 full time employees @15 gpd = 195 gpd, a calculated flow of 345 gpd, no change from the previously accepted calculated



wastewater flow.

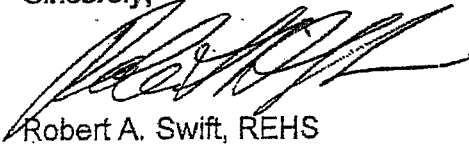
As you note in your report, this calculated flow is only 85% of the permitted use of 404 gpd and the actual use, based on data from the monitoring reports, indicate an average wastewater flow of 200 gpd, less than 50% of the permitted design capacity of 404 gpd.

Using a more conservative 2.5 gpd per vehicle trip, in conjunction with the proposed overall reduction in full time staff from 17 to 13 employees, indicates a calculated waste flow of 395 gpd, still less than the permitted 404 gpd design capacity of the system.

With continued maintenance and operation of the system, I concur with your findings and recommendations. If not already done, I would also recommend the installation of low flow fixtures. It appears the existing mound is capable of handling the proposed change/expansion of use without detriment to the system.

~~Please contact me at 565-1680 if you should have any questions.~~

Sincerely,



Robert A. Swift, REHS  
Well & Septic Division Supervisor

cc. Jim Salyers, North Bay Corp.  
Ernie Carpenter, North Bay Corp.  
John Anderson, EH

March 6, 2010

Bob Swift, R.E.H.S.  
Permit & Resource Management Department  
Division of Well and Septic Systems  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Subject: S.D.S. Clearance Request for Revised Use with CDI Recyclables  
Processing, as per State Transfer/Processing Report  
Site: Novato Disposal Services – Recycling Facility  
Location: 2543 Petaluma Blvd. South  
A.P.#: 019-220-038  
Owner: North Bay Corp., Mike O'Brien, Fleet Manager & Jim Salyers, V.P.

Dear Bob;

As you know, we have been working with the North Bay Corporation in order to assist them in getting the required septic system clearance for their proposed upgrade of the existing recycling facility at the subject site. As per the California State CDI Transfer /Processing Report, the subject facility will be processing, sorting and transferring CDI materials. These materials consist of Construction and Demolition debris and other Inert debris. This will require adjusting the existing office workers and adding four (4) CDI workers.

The calculated total peak wastewater capacity for the mound disposal system serving this site is 404 gallons per day. In February, 2007, your department approved the wastewater loading for the upgraded recycling facility as per Use Permit PLP 02-0072. At that time there were 8 full time office workers, and three part time office workers with a maximum of 10 hours per week for each part time employee. These three part time personnel were counted as one full time employee. There were 6 employees sorting recycling, who worked in the recycling building and an additional 2 outside yard workers. The other employees were the 12 truck drivers who visit the site for an estimated 15 to 20 minutes, twice per day, once in the morning to pick up the trucks and once at the evening to deliver the recycling. The calculated peak wastewater loading for this previously approved, existing use was as follows:

|  |                       |
|--|-----------------------|
| 8 full time office workers at 15 gallons per person per day  | = 120 gallons per day |
| 1 full time office worker consisting of 3 part time office workers (1/4 time per part time employee) | = 15 gallons per day  |
| 6 full time shop workers at 15 gallons per person per day  | = 90 gallons per day  |
| 2 full time yard workers at 15 gallons per person per day  | = 30 gallons per day  |
| 12 part time truck drivers at 7.5 gallons per person per day   | = 90 gallons per day  |
| <hr/>  |                       |
| 29 total staff   | 345 gal./day Total    |

Pursuant to the staff adjustment needed for the CDI operation, on February 2, 2010, we met in your office, along with Bob Herr, Well & Septic SDS Specialist, Jim Salyers, and Ernie Carpenter. At that time we agreed that instead of counting the individual truck drivers, it would be more accurate to count the vehicle trips, which is delineated in the CDI Transfer/Processing Report for the State. We also agreed on a wastewater-loading rate for the trucks at 1.875 gallons of wastewater per vehicle trip.

The CDI Report breaks down vehicle trips into 'inbound' and 'outbound' trips. An inbound trip means that the truck is bringing material into the subject facility, and outbound means that the truck carries materials away from the subject site. In the following chart, the numbers marked inside of parentheses ( ) in the outbound category indicated that these trucks will be loaded for both inbound and outbound trips, and therefore will only be counted once in the inbound category. Also the 13 employee trips are counted at 15 gal./emp./day in the staff portion of this report and, therefore, are not counted in the vehicle section.

Inbound Vehicles

|                                 |                     |
|---------------------------------|---------------------|
| CDI Trucks                      | = 36 trips per day* |
| Single-Stream Collection Trucks | = 29 trips per day  |

Outbound Vehicles

|  |                                 |
|--|---------------------------------|
| Roll-Off Trucks w/ Residual Waste            | = (9) trips per day*            |
| Transfer Trucks w/ single stream recyclables | = 5 trips per day               |
| Material Marketing Trucks                    | = (27) trips per day*           |
| Employees                                    | = <del>(13)</del> trips per day |
| Visitors                                     | = 10 trips per day              |

---

|                               |                           |
|-------------------------------|---------------------------|
| <b>Total Vehicles per day</b> | <b>= 80 trips per day</b> |
|-------------------------------|---------------------------|

Therefore, at 1.875 gal./trip/day,  $1.875 \times 80 = 150$  gallons per day of wastewater for vehicular usage. Please see the attached 'Table 4 – Anticipated Peak Daily Vehicles' chart from the CDI Transfer/ Processing Report for further information.

The chart from the CDI Transfer/ Processing Report for the station personnel is also attached as 'Table 5 – Estimated Number of Facility Personnel' and is summarized as follows:

|   |                    |
|---|--------------------|
| Office Staff                                  | 5 employees        |
| Shop Workers                                  | 4 employees        |
| <u>CDI Operations and Transfer Operations</u> | <u>4 employees</u> |
| TOTAL   | 13 employees       |

Therefore, at 15 gal./employee/day,  $15 \times 13 = 195$  gallons per day of wastewater for staff usage. And  $195 \text{ gal./day(staff)} + 150 \text{ gal./day(vehicles)} = 345$  gallons per day total peak wastewater usage. This calculated total wastewater usage is still below the 404 gallons per day permitted usage. The calculated 345 gal./day usage is only 85% of the permitted use of 404 gallons per day. The actual use, based on the monitoring reports of about 200 gallons per day is only 58% of the calculated use of 345 gallons per day and only 49.5% of the permitted use of 404 gallons per day. It is also no increase over the 345 gallons per day that was previously approved by your department in February, 2007, for Use Permit PLP 02-0072.

I inspected the mound disposal system at the subject site on February 17, 2007. At that time the system appeared to be in good working condition and properly functioning. Subsequent monitoring reports also show the system to be in good working condition, with the average usage at about 200 gallons per day. In my opinion, the subject septic system is in good operating condition and is able to handle the proposed and existing wastewater discharged and, if properly used and maintained, will function in a clean and sanitary manner and will not cause any pollution or other public health hazards.

Therefore, I recommend acceptance and approval of the SDS Clearance request, as submitted, to allow the proposed CDI processing. In my opinion, as long as this facility is properly used and maintained in accordance with the approved CDI Transfer/Processing Report, the continued and proposed use of this facility will not cause any pollution or any other public health hazards.

Please advise me as to the acceptability of this proposal so that we may proceed to acquire the required Public Health Clearance needed for the operation of the subject

recycling facility. If you have any questions or need further information, please call me at 545-2000.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barry Ruderman".

Barry Ruderman, R.E.H.S. #3170

cc. Jim Salyers, V.P.

cc. Ernie Carpenter

## Ken Ellison

---

**From:** Ken Ellison  
**Sent:** May 28, 2013 8:03 AM  
**To:** 'Ernie Carpenter'  
**Subject:** RE: Novato Disposal Use Permit Modification

Excellent, thanks for clearing that up.

Ken Ellison  
Supervising Planner  
County of Sonoma

**From:** Ernie Carpenter [[mailto:ernie\\_man@comcast.net](mailto:ernie_man@comcast.net)]  
**Sent:** May 24, 2013 9:42 AM  
**To:** Ken Ellison  
**Cc:** Salyers, Jim  
**Subject:** Re: Novato Disposal Use Permit Modification

I should add same fuel and same number of wheels regarding the trucks.  
Ernie

---

**From:** Ernie Carpenter [[mailto:ernie\\_man@comcast.net](mailto:ernie_man@comcast.net)]  
**Sent:** May 24, 2013 9:40 AM  
**To:** Ken Ellison  
**Cc:** Salyers, Jim  
**Subject:** Re: Novato Disposal Use Permit Modification

Ken,  
Thanks for pulling this together. Sick child comes first.

As to trucks, we commissioned (Erickson) a Memo on the comparison of the old vs. retrofit diesel engines on all NDS trucks. This showed a reduction in Diesel particulate matter. That may have been the source of your question but the C&D trucks compared to the currently used front loaders are essentially the same truck. Same brand truck, same engine, wheel base and chassis but the add on's to the chassis are different. Currently, the single stream routes use a front loader that picks up a bin and drops the material into a container behind the cab, leaves bin at site. The C&D will pull a bin onto the rear tracks via cable. The major difference then is in arms, cables and levers. The answer to any new impact or cumulative impact due to the change in type of truck to pick up a different material in my opinion is less than significant.

Ernie

----- Original Message -----

**From:** Ken Ellison <[Ken.Ellison@sonoma-county.org](mailto:Ken.Ellison@sonoma-county.org)>  
**To:** 'Ernie Carpenter' <[ernie\\_man@comcast.net](mailto:ernie_man@comcast.net)>  
**Sent:** Fri, 24 May 2013 00:40:26 -0000 (UTC)  
**Subject:** Novato Disposal Use Permit Modification

Ernie:

## Ken Ellison

---

**From:** Ernie Carpenter [ernie\_man@comcast.net]  
**Sent:** January 11, 2013 10:30 AM  
**To:** Ken Ellison; Salyers, Jim  
**Subject:** Fwd: PETALUMA BLVD SO BOND .pdf

Ken,

Here is a copy of the bond for the remaining Cal Trans work on Petaluma Blvd South. I believe all the other conditions on UP 02-0072 have been satisfied. Cal Trans has extensive plans but they have not commenced any work in this area. The Site Plan I submitted previously has the plan line draw for the future Cal Trans improvements however w/o great detail.

The bond is the result of previous negotiations between NDS, the County and Cal Trans. All parties agreed that the landscape and other improvements should not be installed prior to that upgrade of the on ramp and street frontage for obvious reasons. Hence the bond.

Should you desire more information do not hesitate to rrequest same.

Ernie Carpenter

o'malleywilsonwestphal

**Project:**

**Novato Disposal Service**

2543 Petaluma Boulevard South  
Petaluma, California 94952  
APN 019-220-038

**Property Owner:**

**Novato Disposal Service, Inc.**

Attn: Jim Salyers  
Post Office Box 1916  
Santa Rosa, CA 95402  
(707) 695-1751

**Project Description**

February 2013

**Situation Analysis**

The proposed project is the addition of a free-standing canopy structure at an existing waste sorting and transfer facility located on a 5.39-acre site on Petaluma Boulevard South in the County of Sonoma. The lot is zoned M1 B8 F2 (Limited Urban Industrial District with both a B8 Combining District regarding the minimum lot size and a F2 Floodplain Combining District). The parcel has an approved Use Permit (PLP02-0072) on file at the County of Sonoma's Permit and Resource Development Department.

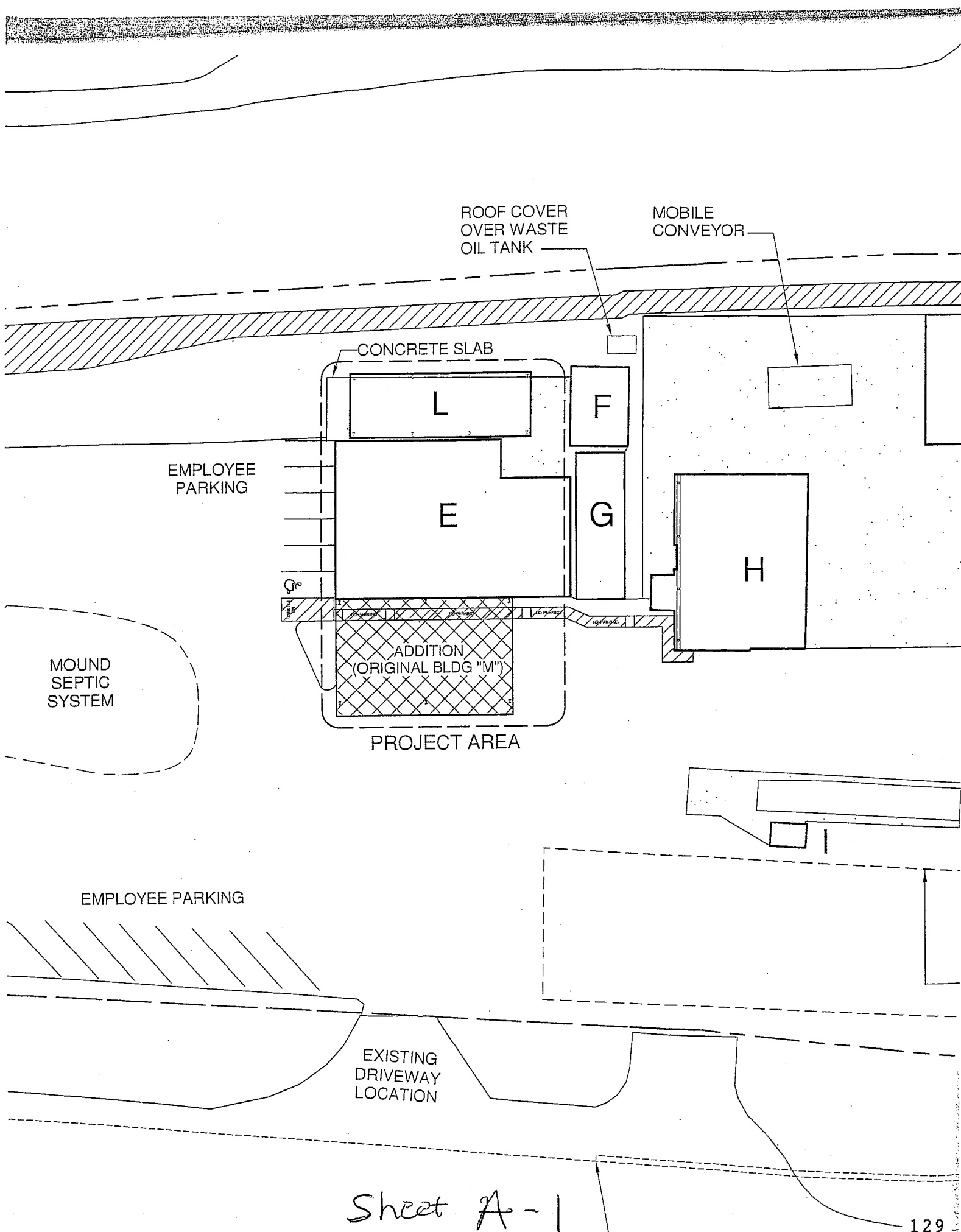
**Proposed Improvements**

The new free-standing canopy structure will be immediately adjacent to the existing Maintenance Building. The canopy is on the Site Plan associated with the approved Use Permit (identified as Building "M"). The Maintenance Building is identified as Building "E". Although the location of the canopy is the same, the Owner would like to make the structure larger to provide better coverage over the trucks. Therefore, the footprint and elevations will be slightly different from the Use Permit documents.

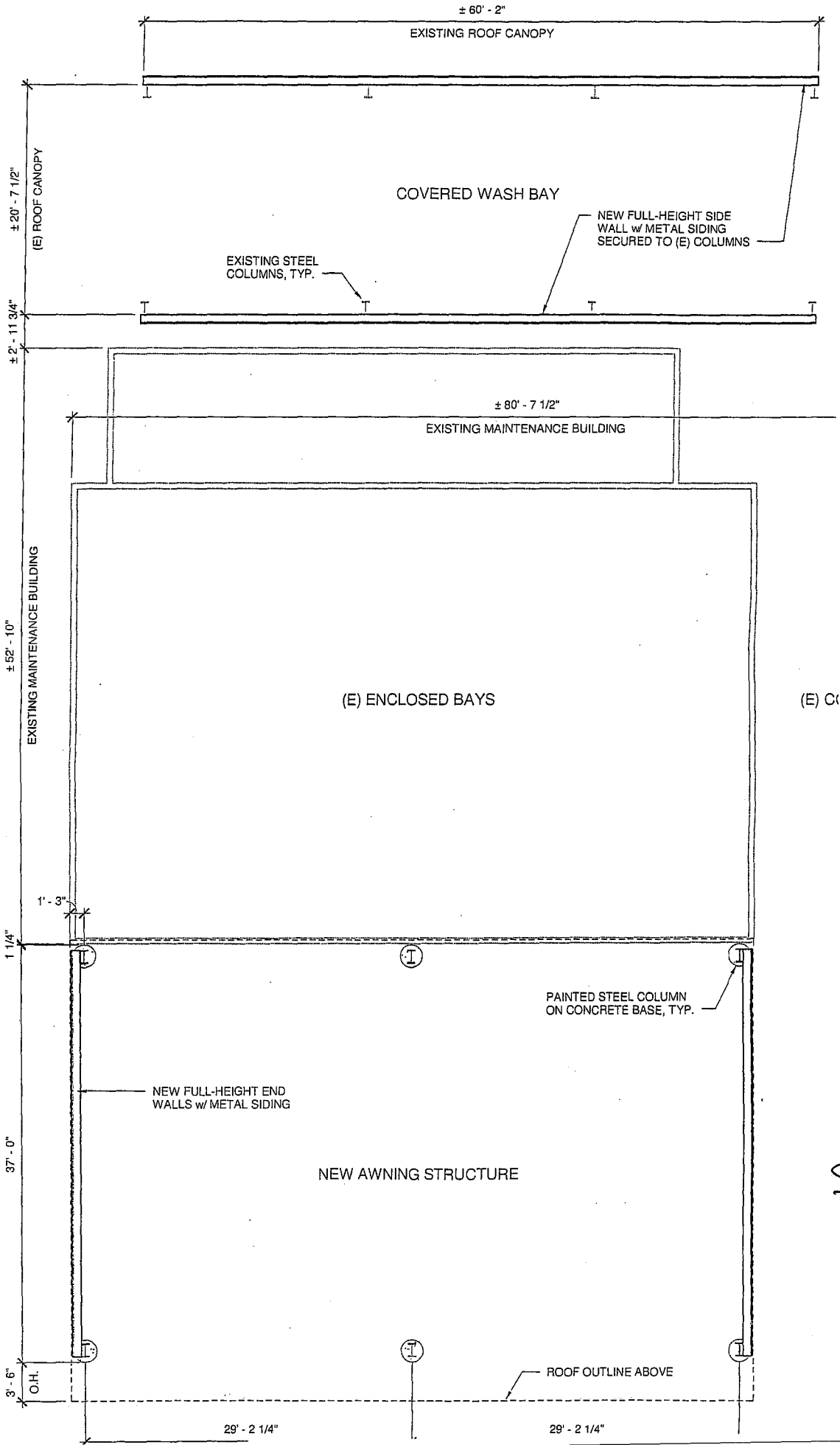
In addition, the facility has determined that the existing roof cover over the Wash Bay (Building "L") does not provide adequate protection from the wind so that a vehicle can be properly washed. In order to address the situation, the Owner wants to add exterior siding to the east and west sides of the existing structure.

Please refer to the drawings (Sheets A-1, A-2, and A-3) that accompany this document.

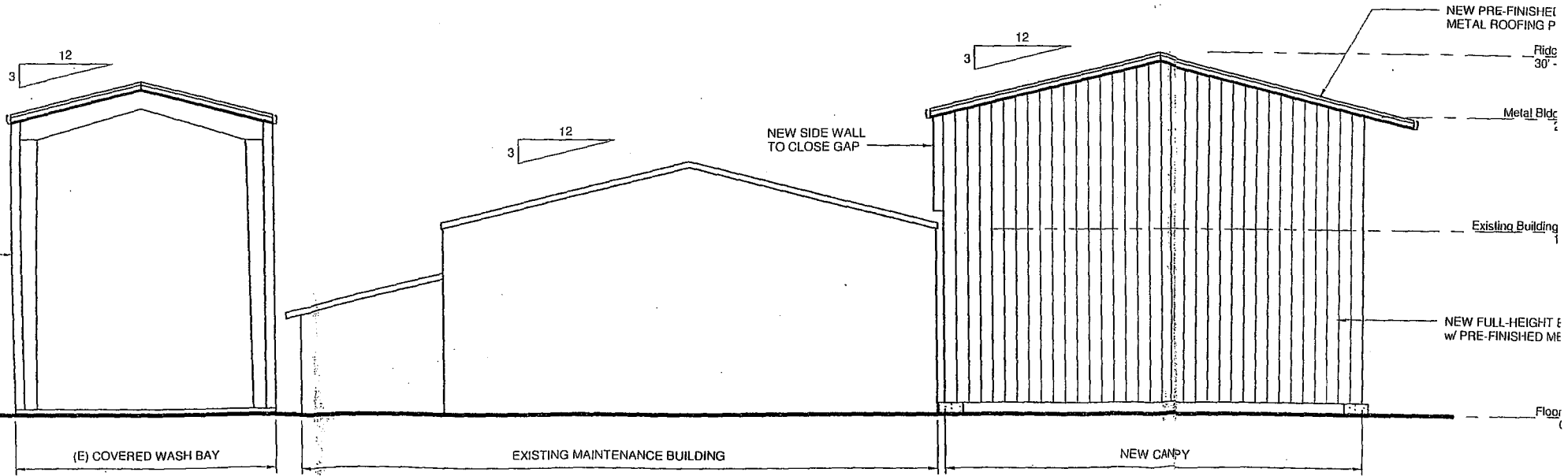




Sheet A-1



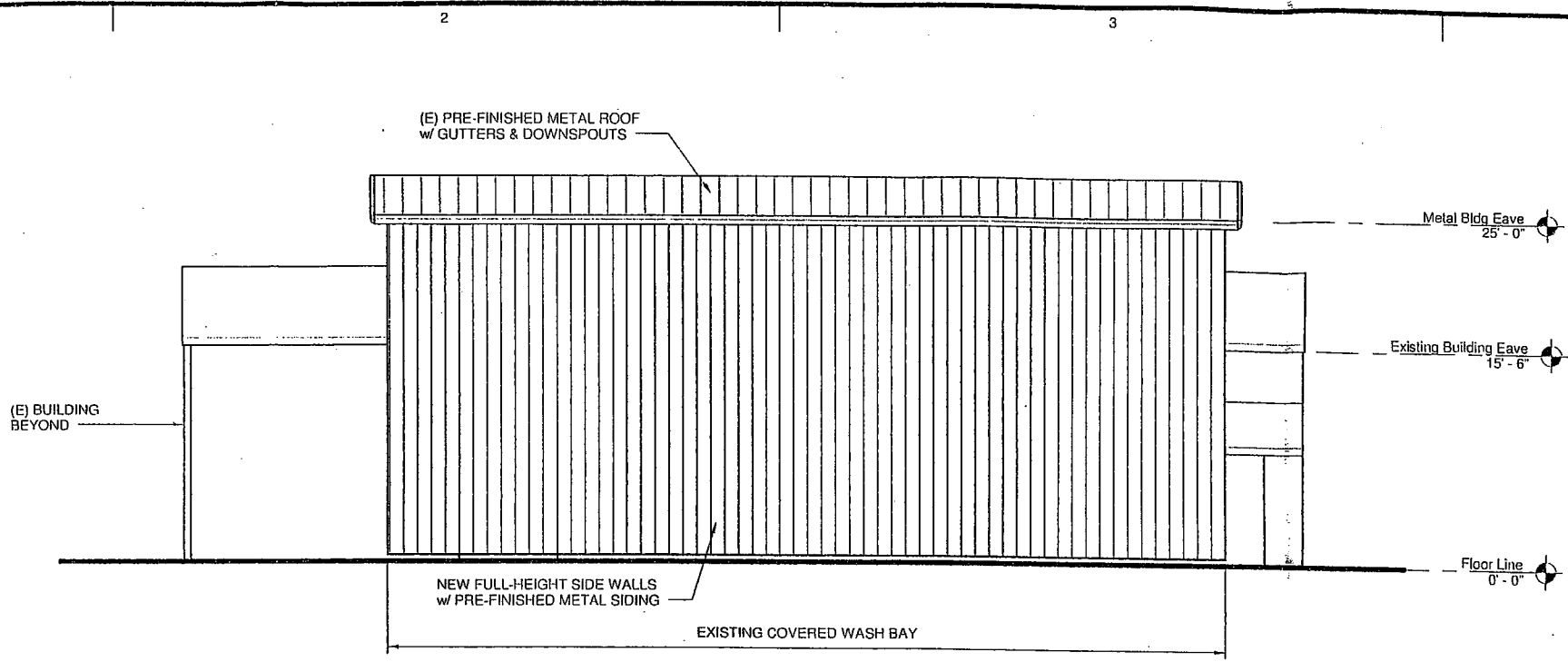
Sheet A-2



NORTH EXTERIOR ELEVATION

1/8" = 1'-0"

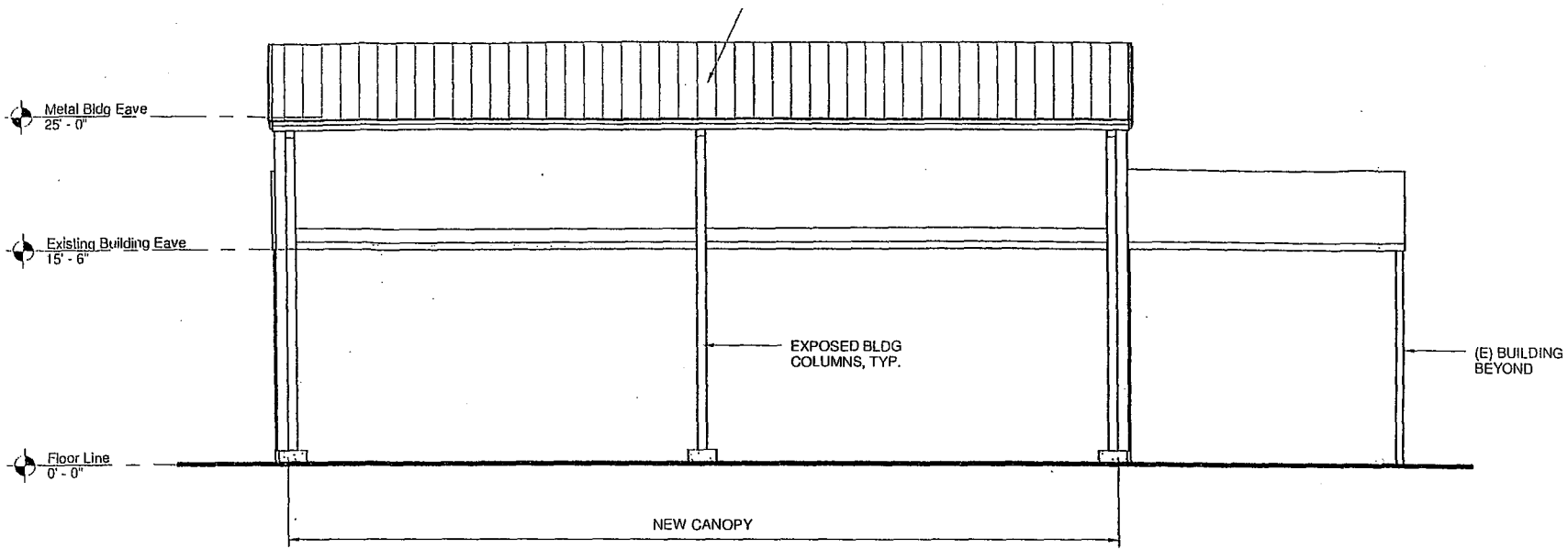
Sheet A-3, Part 1 of 3



EAST EXTERIOR ELEVATION

1/8" = 1'-0"

Sheet A-3, Part 2 of A-3



WEST EXTERIOR ELEVATION

1/8" = 1'-0"

Sheet A-3, Part 3 of A3

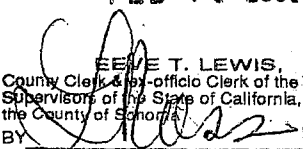
THE WITHIN INSTRUMENT IS A  
CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

#43

Resolution Number 05- 05-0134

ATTEST: FEB 10 2005

County of Sonoma  
Santa Rosa, California

EEVE T. LEWIS,  
County Clerk & Ex-officio Clerk of the Board of  
Supervisors of the State of California, In & for  
the County of Sonoma  
BY  DEPUTY

February 8, 2005  
PLP02-0072 Steve Padovan

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING A PROJECT CONSISTING OF A GENERAL PLAN AMENDMENT ON THE SOUTHEASTERLY THREE ACRES OF THE PROPERTY FROM LIMITED COMMERCIAL TO LIMITED INDUSTRIAL AS THE FIRST AMENDMENT OF THE GENERAL PLAN LAND USE ELEMENT FOR 2005, A ZONE CHANGE ON THE SOUTHEASTERLY THREE ACRES FROM LC (LIMITED COMMERCIAL) TO M1 (LIMITED URBAN INDUSTRIAL, A USE PERMIT TO LEGALIZE AND EXPAND A LIGHT PROCESSING RECYCLING FACILITY WITH MAINTENANCE AND REPAIR FACILITIES AND A PORTABLE TOILET STORAGE BUSINESS; AND A DESIGN REVIEW PERMIT FOR SEVERAL NEW BUILDINGS RELATED TO THE RECYCLING OPERATIONS ON A 5.4 ACRE SITE FOR NORTH BAY/NOVATO DISPOSAL AT 2543 PETALUMA BOULEVARD SOUTH, PETALUMA; APN 019-220-038.

WHEREAS, the applicant, James Hummer and Associates in association with North Bay/Novato Disposal, filed a request for 1) a General Plan Amendment on the southeasterly three acres of the property from Limited Commercial to Limited Industrial ("the General Plan Amendment"), 2) a Zone Change on the southeasterly three acres from LC (Limited Commercial) to M1 (Limited Urban Industrial) ("the Zone Change"), 3) a Use Permit to legalize and expand a light processing recycling facility with maintenance and repair facilities and a portable toilet storage business ("the Use Permit"), 4) a Design Review Permit for several new buildings related to the recycling operations ("the Design Review Permit") on a 5.4 acre site at 2543 Petaluma Boulevard South, Petaluma; APN 019-220-038; Zoning LC (Limited Commercial) and M1 (Limited Urban Industrial); Supervisorial District No. 2 (collectively "the Proposed Project"); and

WHEREAS, a mitigated negative declaration ("the Mitigated Negative Declaration") was prepared and posted for the Proposed Project in accordance with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines; and

WHEREAS, the Planning Commission did, in accordance with the provisions of law, conduct a public hearing on the Mitigated Negative Declaration and the Proposed Project on January 20, 2005, and voted, by a 4-0-1-0 vote (Siegle recused himself), to recommend that the Board approve the Proposed Project; and

WHEREAS, the Planning Commission's recommendation on the Proposed Project has been reviewed and considered by the Board of Supervisors; and

WHEREAS, in accordance with the provisions of law, the Board of Supervisors held a public hearing on February 8, 2005, at which time all interested persons were given an opportunity to be heard on the Proposed Project; and

WHEREAS, the General Plan Amendment is proposed as the first amendment of the General Plan Land Use Element for 2005; and

WHEREAS, the Board of Supervisors makes the following findings concerning the Mitigated Negative Declaration:

1. The Mitigated Negative Declaration was prepared, noticed, and circulated for public and agency review in accordance with all procedural and substantive requirements of CEQA and the State CEQA Guidelines.
2. The Mitigated Negative Declaration identifies and evaluates all of the potential environmental effects of the Proposed Project, and, therefore, constitutes an adequate, accurate, objective, and complete mitigated negative declaration for the purposes of approving the Proposed Project, and represents a good faith effort to achieve completeness and full environmental disclosure for the Proposed Project. The Board of Supervisors certifies that it has reviewed and considered the Mitigated Negative Declaration, together with all comments received during the public review process, prior to reaching its decision on the Proposed Project.
3. Based on the record of these proceedings, the Board of Supervisors finds that there is no substantial evidence before it that the Proposed Project, as mitigated by the mitigation measures included in the conditions of approval, will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.
4. To ensure that the project revisions and mitigation measures identified in the Mitigated Negative Declaration are implemented, the Board of Supervisors is required by CEQA and the State CEQA Guidelines to adopt a mitigation monitoring program on the revisions the Board has required in the Proposed Project and the measures the Board has imposed to mitigate or avoid significant environmental effects. The mitigation monitoring program for the Proposed Project ("Mitigation Monitoring Program") is set forth in the Conditions of Approval. The Mitigation Monitoring Program will be implemented in accordance with all applicable requirements of CEQA and the State CEQA Guidelines.
5. The Board of Supervisors finds that there is no evidence in the record that the Proposed Project has any potential for adverse effects on wildlife resources or habitat. The Board of Supervisors declares, therefore, that it has, on the basis of substantial evidence, rebutted the presumption of adverse effect set forth in California Code of Regulations, title 14, section 753.5, subsection (d), for the Proposed Project.

WHEREAS, the Board of Supervisors makes the following findings concerning the General Plan Amendment:

1. The General Plan Amendment does not significantly alter the goals, objectives, and policies of the General Plan, and is in harmony with the rest of the General Plan.
2. It is in the public interest to approve the General Plan Amendment.

WHEREAS, the Board of Supervisors makes the following findings concerning the Proposed Project:

1. The Proposed Project is consistent with the General Plan land use designation of Limited Industrial on the northern portion of the property
2. The Proposed Project is consistent with the seven criteria that must be met in order to amend the land use designation on the southeasterly three acres of the site from Limited Commercial to Limited Industrial. The use is permitted in the Limited Industrial

land use designation with a Use Permit, there are resource related industrial uses on adjacent parcels and it serves the communities in the south county area by providing a light processing recycling facility. In addition, the parcel has direct access to an arterial roadway, connection to public water, adequate septic capacity, is adjacent to the Petaluma City limits and there are no environmentally sensitive or hazardous sites on the parcel.

3. The Proposed Project is consistent with the M1 (Limited Urban Industrial) zoning district, which allows for light processing recycling facilities with a Use Permit and it conforms to the conditions as listed in the Zoning Ordinance for just such a facility.
4. The establishment, maintenance or operation of the use for which the application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
  - a. Traffic generated by the use will not have a significant effect on local public roads and state highways, based on the traffic study and subsequent updates. Based on Caltrans and County Transportation and Public Works Department reviews, traffic mitigation fees and improvements to Petaluma Boulevard South will be sufficient to reduce traffic impacts to a less than significant level.
  - b. The project will be visually screened from the scenic corridor through the retention of existing trees, the installation of a significant landscaping around the perimeter of the site, the installation of an eight-foot screen fence around the site and improvements and landscaping to the road. The Design Review Committee will ensure that the visual impacts are minimized.
  - c. Potential noise impacts will be limited due to the minor increase in traffic, the location of sorting facilities within a structure, the existing high ambient noise levels in the area due to the highway and the surrounding industrial users and the large distances to sensitive noise receptors.
  - d. There are no natural habitat areas on-site and no significant biotic species that would use the property as a migration corridor as the site is fully developed and all portions are heavily utilized.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby finds, determines, declares, and orders as follows:

1. The foregoing recitals are true and correct, are supported by substantial evidence in the record, and are adopted as herein above set forth.
2. The Mitigated Negative Declaration is adopted. PRMD is directed to file a notice of determination in accordance with CEQA and the State CEQA Guidelines. PRMD is further directed to execute a certificate of fee exemption for the California Department of Fish and Game environmental document filing fee.



3. The Proposed Project is approved as follows:
- (a) The General Plan Amendment is approved as the first amendment of the General Plan Land Use Element for 2005.
  - (b) The Zone Change is approved by Ordinance No. 5542
  - (c) The Use Permit and the Design Review Permit are approved, subject to the conditions of approval set forth in Exhibit "A," attached hereto and incorporated herein by this reference.
4. The Mitigation Monitoring Program set forth in Exhibit "A" is adopted. PRMD is directed to undertake monitoring in accordance with Mitigation Monitoring Program to ensure that required project revisions and mitigation measures are complied with during project implementation.
5. The Clerk of the Board of Supervisors is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Board's decisions herein are based. These documents may be found at the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

**SUPERVISORS VOTE:**

|         |        |         |          |        |
|---------|--------|---------|----------|--------|
| Brown:  | Kerns: | Kelley: | Reilly:  | Smith: |
| Ayes: 5 | Noes:  | Absent: | Abstain: |        |

SO ORDERED.

**EXHIBIT A**  
**Conditions of Approval**

**Date:** February 8, 2005                      **File No.:** PLP02-0072 (GPA/ZCE/UPE/ADR)  
**Applicant:** James Hummer & Assoc.              **APN:** 019-220-038  
**Address:** 2543 Petaluma Boulevard South, Petaluma

**Project Description:** Request for a Use Permit and Design Review Permit to legalize and expand an existing recycling facility for the sorting and transfer of recyclable materials including a customer buy-back station, equipment and maintenance facilities, ancillary storage, above ground fuel tank storage and storage for portable toilet rentals on a 5.4 acre site for North Bay/Novato Disposal. Total building area will not exceed 36,000 square feet with several new structures including a spray paint booth, metal and tire recycling building, renovated truck repair facility and canopies over the recycling areas. Total daily tonnage is not to exceed 500 tons per day. This application also includes a General Plan Amendment to change the land use designation on the southeasterly three acres of the site (APN 019-220-038) from Limited Commercial to General Industrial, and a Zone Change on that same portion from LC (Limited Commercial) to M1 (Limited Urban Industrial).

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**Prior to vesting this Use Permit, evidence must be submitted to the file that all of the following pre-operational conditions have been met.**

**BUILDING:**

1. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department. The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.

**HEALTH:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

2. The project shall continue to be connected to public water. Prior to building permit issuance, the applicant shall submit a letter of acknowledgment to Project Review Health to verify compliance. This condition shall not be signed off until the requested letter of acknowledgment is received by the Project Review Health Specialist. The purpose of the letter of acknowledgment is to inform the utility that increased use has been approved at an existing connection.
3. Prior to building permit issuance, a permit for the sewage disposal system shall be obtained. The system shall require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis and percolation testing shall be required. Groundwater testing shall also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources. This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the District Specialist that all required septic system testing and design elements have been met. This condition applies to all structures with wastewater plumbing that are not connected to the existing septic system.
4. Prior to building occupancy, all wastewater plumbing shall be connected to a sewage disposal system that has been constructed under permit for the proposed use by the Well and Septic Section of the Permit and Resource Management Department. This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the District Specialist that all required septic system testing, design elements, construction inspections and any required operating permits have been met. This condition applies to all structures with wastewater plumbing that are not connected to the existing septic system.
5. Application for wastewater discharge requirements shall be filed with the San Francisco Bay

- Regional Water Quality Control Board. A letter of acceptance of the application shall be submitted to Project Review Health prior to building permit issuance and/or a copy of the waste discharge permit shall be submitted to Project Review Health prior to building occupancy. This condition applies to the disposal of any truck/trailer/container wash water generated on this site.
6. Prior to building permit issuance and prior to project operation, an analysis shall be made by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the proposed sewage loading. Any necessary system expansion or modifications shall be done under permit and the current standards from the Well and Septic Section of the Permit and Resource Management Department and may require both soils analysis and percolation testing. This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the District Specialist that all required septic system testing and design elements have been met.
  7. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restrooms shall be submitted to Project Review Health prior to issuance of building permits.
  8. Prior to building occupancy, if hazardous waste is generated or hazardous materials stored, then the applicant shall comply with hazardous waste generator laws and AB2185 requirements and obtain a permit or approval from the Certified Unified Program Agency (CUPA) or the participating agency. (Additional information and fees may be required). This condition shall not be signed off until the Project Review Health Specialist receives a copy of a letter of approval or a current permit from the responsible agency.
  9. Prior to building occupancy, applicant shall obtain approval from the San Francisco Bay Regional Water Quality Control Board and Sonoma County Emergency Services for any hazardous materials stored in above-ground tanks that exceed 660 gallons for a single container or 1,320 gallons for an aggregate of tanks. A copy of an approval letter from the Regional Water Quality Control Board shall be submitted to Project Review Health to verify compliance. In the case of a catastrophic failure, a containment area shall be provided around the tank(s) which is sufficient to contain the volume of liquid contained in the tank(s) thereby preventing spillage into the adjacent drainage ditch that leads directly to the Petaluma River.
  10. Prior to building permit issuance, the applicant shall submit a design for trash enclosures for review and approval to the Division of Environmental Health. (Fees may apply.) This condition shall not be signed off until the Project Review Health Specialist has received a copy of an approval letter from the Solid Waste Section of the Division of Environmental Health.

**FLOOD AND DRAINAGE:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

11. A setback line along all drainages shall be measured from the toe of the stream-bank outward, a distance of 2 ½ times the height of the stream-bank plus 30 feet, or 30 feet outward from the top of the stream-bank, whichever distance is greater.
12. Drainage improvements shall be designed by a civil engineer in accordance with the Water Agency Flood Control Design Criteria, for approval by the Drainage Review Section of the Permit and Resource Management Department, and shall be shown on the improvement drawings.
13. The engineer shall include a site grading plan, and an erosion control plan as part of the required improvement drawings. The plans shall include all pertinent details, notes, and specifications.

14. Land subject to inundation by the 100-year flood shall be delineated on the grading plan and designated as subject to inundation. The 1929 NGVD must be used for topographic survey. Otherwise a conversion formula must be used to show compatibility with the flood Insurance Rate Maps.
15. Portions of the site may be affected by flooding from the Petaluma River. The 100-year flood elevation is about 7 feet above mean sea level. Building floor/pad elevation must be a minimum of one (1) foot above the 100-year flood elevation.
16. Grading, and/or building permit require review and approval by the Flood & Drainage Review Section prior to issuance.
17. This project is subject to the National Pollution Discharge Elimination System (NPDES) requirements, and coverage under the State General Construction Permit, as set by the Regional Water Quality Control Board (RWQCB). A copy of the Notice Of Intent (NOI) filed with the RWQCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency must be submitted to the Drainage Review Section of the Permit and Resource Management Department.

Mitigation Monitoring: No permits shall be issued until the study is reviewed and approved by Sonoma County Drainage Review. Grading plans shall show the FEMA approved flood elevation and building pad elevations shall be one foot above that elevation.

**TRANSPORTATION AND PUBLIC WORKS:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

18. The Developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width to contain the public improvements required by this approval. This right-of-way requirement shall be void if the existing right-of-way meets or exceeds the minimum requirements described above. Right-of-way, if required shall be dedicated using a Grant Deed. The Developer shall have prepared a Grant Deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. A copy of the recorded Grant Deed shall be submitted to the Land Development Section of the Permit and Resource Management Department prior to clearance of these conditions.
19. Prior to issuance of building permits, the Developer shall construct or install improvements described as follows:

Widen and/or reconstruct as necessary on Petaluma Blvd South, along the Developer's entire property frontage, the improvements described below. The improvements shall follow the concept described in the plan titled "Conceptual Plan for Reconfiguring Petaluma Boulevard South" dated August 19, 2004 and on file in the Sonoma County Department of Transportation and Public Works, Engineering and Design Section. Said improvements shall include:

- a) Two, 12-foot wide paved travel lanes.
- b) One, 16-foot wide continuous left turn lane.
- c) Two, 8-foot wide paved shoulders, including curb and gutter.
- d) Channelization of the intersection of Petaluma Boulevard South with the northbound on-ramp to Highway 101
- e) One standard 2-foot wide concrete curb and gutter on the east side of the road.
- f) Coordination with Shamrock Materials to allow their improvement of Landing Way as required in their Use Permit.
- g) Trees/landscaping per the City of Petaluma landscaping plan for this area and

- h) County requirements (see additional specifications in Condition #41).  
Overlay with a minimum of 2.4 inches of asphalt concrete, the full width of the road, for the full length of the Developer's frontage on Petaluma Boulevard South to offset the additional wear associated with heavy truck traffic associated with the proposed use and to allow for restriping of the roadway.
- i) The final road shall have sufficient section to provide for a Traffic Index of 11.0.
- j) Drainage systems shall be required.

The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, etc, all as necessary to create the required widths and structural section(s).

20. The structural section of all road improvements shall be designed using a soils investigation, which provides the basement soil's R-value and Expansion Pressure test results. A copy of the soils report shall also be submitted with the first set of improvement plan check prints.
21. To allow for the smooth and safe movement of single unit trucks entering and exiting the public road that provides access to the property, the Developer shall construct an at-grade driveway, including curb and gutter. Entrance curve returns shall have a radius of 55 feet and a throat width of at least 24 feet. The driveway shall be perpendicular to the public road. The minimum sight distance for vehicles entering and exiting this driveway shall be in accordance with AASHTO requirements for the actual speed traveled on the public road servicing the property. The Developer shall surface the entry with asphalt concrete pavement between the edge of the existing pavement and the Right-of-Way line or a minimum of 20 feet, whichever is greater. This condition shall be void if the existing entry already meets these standards. The driveway improvements shall be in place prior to occupancy or commencement of the new activity. The access driveway shall be located a minimum of 150 feet from the Highway 101 northbound on-ramp.
22. Any gate installed across this driveway shall be located a minimum distance of 30 feet from the edge of the travel way, in accordance with Sonoma County Mandatory Fire Safe Standards, Section 13-38.
23. The Developer shall install traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, transition barricades, etc.
24. All improvements shall be constructed in accordance with the Department of Transportation and Public Works Road Policy.
25. Developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a minimum 1-inch equal 40 feet, and shall be submitted on 24 inch by 36 inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.
26. Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to the Permit and Resource Management Department, prior to signature of the Improvement Plans by the Director of the Department of Transportation and Public Works.
27. Prior to issuance of any building permit, which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.

28. The Developer shall submit improvement plans for all required improvements to the Permit and Resource Management Department for review and approval. Prior to the issuance of any Grading, Building or Encroachment permits, the Director of the Department of Transportation and Public Works shall sign the Improvement Plans.
29. Prior to construction of any improvements that are to be made within County Road-of-Way, the Developer must obtain an Encroachment Permit from the Permit and Resource Management Department.
30. The Developer shall complete construction of all the required public improvements or enter into an Improvement Agreement and post acceptable security with the County of Sonoma, agreeing to complete the required construction within the 24-month period following the approval of the Application for this project. Included in this Improvement Agreement shall be a requirement that the Developer enter into an Improvement Maintenance Agreement and post security with the County of Sonoma, to guarantee the improvements for a period of one (1 year) after acceptance of the improvements as being complete by the County.

**PLANNING:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

31. The applicant shall pay all applicable development and permit processing fees prior to issuance of building permits.
32. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to the Permit and Resource Management Department from the County Fire Marshal/Local Fire Protection District.
33. The applicant shall pay within five (5) days after approval of this project to the Permit and Resource Management Department a mandatory Notice of Determination filing fee of \$35 for County Clerk processing (check shall be made payable to Sonoma County Clerk and submitted to the Permit and Resource Management Department), and
  1. \_\_\_\_\_ No additional fee because the project is exempt from Fish and Game fee.
  2. \_\_\_\_\_ \$850 because an EIR was prepared, for a total of \$885.
  3.  X  \$1250 because a Negative Declaration was prepared, for a total of \$1285.

This fee must be paid or the approval of this project is not valid.

34. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
35. Parking spaces shall be provided on-site for 27 employees. An additional ten (10) parking spaces shall be provided for customers and visitors. In addition to the required customer and visitor parking, the facility shall provide one (1) space for each commercial vehicle operated by the processing center and one (1) bicycle parking space per five (5) spaces of required customer parking.
36. Any containers provided for donation of recyclable materials will be adequately screened from any

public right-of-way or use area and shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.

37. Sign requirements shall be those provided for the zoning district in which the facility is located. In addition, the facility will be clearly marked with the name and phone number of the facility operator and the hours of operation. All signage shall be subject to review and approval by the Design Review Committee.
38. Prior to issuance of any building permits for this property, all new and existing on-site structures, landscaping and fencing shall be subject to review and approval by the Design Review Committee. Proposed structures shall comply with the Design Review Committee's final approved plans. All exterior surfaces shall utilize non-reflective materials.

Mitigation Monitoring: No building permits shall be issued until the Design Review Committee approves the final design for the proposed self-storage facility

39. The exteriors of all structures shall be renovated and painted to repair any visible damage or weathering and all new and existing structures shall be painted to match, subject to Design Review approval.

Mitigation Monitoring: PRMD shall conduct a final review of the site prior to occupancy of any new buildings to ensure that the entire property has been upgraded as required.

40. Prior to issuance of building permits, the applicant/owner shall install and maintain in good condition on their property a minimum 10 foot landscape planter around the entire perimeter of the property and increased landscaping around the offices, the portable toilet storage area and the tire and metal recycling building. Existing trees and large shrubs along the railroad right-of-way shall be preserved in place. Landscaping shall consist of groupings of redwoods, lower level trees, vines, shrubs and groundcover. Landscape plans shall be reviewed and approved by the Design Review Committee. Automatic irrigation shall be provided and all trees shall be a minimum 5-gallon in size.

Mitigation Monitoring: Landscape plans shall be submitted to the Design Review Committee for review and approval. Landscaping shall either be installed or all site preparation must be completed with all materials on-site prior to issuance of building permits for any new structures on this site.

41. The applicant/owner shall install and maintain in good condition, road and landscape improvements on Petaluma Boulevard South along the entire street frontage in accordance with plans titled, "City of Petaluma - South Gateway Improvements", and dated April 21, 2004 and as modified by the Design Review Committee approval. Trees shall be 36" box or 2 3/4" diameter trunk with ball and burlap. Shrubs, vines and groundcover shall be planted in accordance with the improvement plans.
42. Prior to issuance of building permits, the applicant/owner shall be required to install and maintain in good condition, all street frontage and landscape improvements along the property to the face of curb including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way. Landscape plans shall be submitted to the Design Review Committee for review and approval prior to issuance of grading or building permits. Landscaping shall consist of a mixture of trees, shrubs and groundcover and all landscaping shall be automatically irrigated with primary irrigation lines and equipment located on private property.
43. Prior to issuance of any Building Permits, an exterior lighting plan shall be submitted to the Design

Review Committee and County Permit and Resource Management Department for review and approval. Exterior lighting shall be low mounted, downward casting and fully shielded, utilize motion detection systems where applicable and not "wash out" onto adjacent properties or into the sky. Lighting shall not be mounted above the roofline of any buildings and lighting under the canopies shall be fully shielded and directed downward. Generally, fixtures should accept sodium vapor lamps and not be located at the periphery of the property. Flood lights are not permitted. The lighting shall be installed in accordance with the approved lighting plan during construction. This requirement shall be included in the conditions of approval.

Mitigation Monitoring: No building permits shall be finalized until the project planner verifies the installation of the lighting fixtures per approved plans. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and require the property be brought into compliance. If compliance is not achieved, staff will initiate procedures to restrict operations or revoke the permit and terminate the use.

44. The applicant/developer shall submit grading and drainage plans that include all proposed drainage swales and erosion control measures related to any development on the subject parcels. Drainage swales shall be designed to allow filtration of the water into the native soils to minimize introduced contaminants into the marsh.

Mitigation Monitoring: No grading or building permits shall be issued without an erosion control plan and a storm water run-off control plan. Drainage swales and berming shall be designed as permanent landscape features. These drainage features shall be inspected and approved by PRMD staff prior to occupancy of the building.

45. All new utilities shall be placed underground prior to final inspection or issuance of certificates of occupancy. Any relocation of existing utilities along the Petaluma Boulevard South frontage are subject to prior approval of PG&E, Caltrans and the Public Utilities Commission. These permits are the responsibility of the applicant.
46. The applicant shall pay for their fair share of striping improvements on Petaluma Boulevard South and as depicted in the traffic study dated June 15, 2004. The improvements shall be installed prior to issuance of any new Building Permits. The Department of TPW shall review and approve said striping plan. In addition, the applicant shall enter into an agreement with the County to pay their fair share for the future signalization of the intersection of Petaluma Boulevard South and the southbound on/off ramp with Highway 101, prior to issuance of building permits or commencement of use.

Mitigation Monitoring: No building permits shall be issued prior to the installation of roadway striping to the satisfaction of the Department of Transportation and Public Works and the payment of mitigation impact fees for the future signalization of the intersection.

47. All grading plan sets shall contain the following note: "If human remains are encountered, excavation or disturbance of the location shall be halted immediately in the vicinity of the find, and the County Coroner contacted. If the Coroner determines the remains are Native American, the Coroner will contact the Native American Heritage Commission (NAHC). The NAHC will identify the person or persons believed to be most likely descended from the deceased Native American. The NAHC will then work with the applicant on re-interring the remains. The applicant shall be responsible for all costs incurred in the removal, identification and reburial of the remains."
48. All grading and building plan sets shall contain the following note: "If archaeological artifacts such as pottery, arrowheads, midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). When contacted, a member of PRMD Project



Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. No work shall commence until a mitigation plan is approved and completed subject to the review and approval of the archaeologist and Project Review staff."

49. A voluntary merger of the two parcels shall be recorded prior to issuance of any building permits on this site.
50. The billboard facing Petaluma Boulevard South shall be removed within 3 years from the date of the Use Permit approval or as soon as legally possible.
51. A solid eight foot high fence shall be constructed along the Petaluma Boulevard South and Landing Way Street frontages. The fence shall utilize articulation in its design and shall be subject to review and approval by the Design Review Committee.
52. This Use Permit is not vested or effective until all permit processing and condition compliance costs are paid in full, and all of the above pre-operational conditions of approval are satisfied, and a Certificate of Use Permit has been issued by PRMD.

**The following Operational Conditions shall govern the daily operation of the use and shall run with the land and apply to all successors in interest and assigns.**

**HEALTH:**

53. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

Maximum Exterior Noise Level Standards, dBA

| Cumulative Duration of Noise Event in any one-hour Period | Daytime<br>7 a.m.<br>to 10 p.m. | Nighttime<br>10 p.m.<br>to 7 a.m. |
|---|---------------------------------|-----------------------------------|
| 30-60 Minutes   | 50                              | 45                                |
| 15-30 Minutes   | 55                              | 50                                |
| 5-15 Minutes  | 60                              | 55                                |
| 1-5 Minutes   | 65                              | 60                                |
| 0-1 Minutes   | 70                              | 65                                |

Limit exceptions to the following:

- A. If the ambient noise level exceeds the standard, adjust the standard to equal the ambient level.
- B. Reduce the applicable standards by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
- C. Reduce the applicable standards by 5 decibels if they exceed the ambient level by 10 or more decibels.

**PLANNING:**

54. This Use Permit and Design Review Permit (PLP02-0072) is for a light processing recycling facility, vehicle maintenance facility and equipment storage yard on a 5.4 acre site for Novato

Disposal at 2543 Petaluma Boulevard South which has a maximum capacity of 500 tons per day. The hours of operation for the facility are from 4:00 a.m. to 6:00 p.m. Monday thru Saturday and 9:00 a.m. to 4:00 p.m. Sunday. The proposal includes the construction of a 12,600 square foot metal building for tire and metal recycling, a 1,200 square foot canopy over the vehicle wash area, a paint booth, a 900 square foot canopy over the outdoor vehicle maintenance area and a 5,000 square foot canopy over the sorting bunkers for the paper, glass and plastic recyclables. In addition, the Use Permit shall permit the establishment of an outdoor portable toilet storage area on a 15,000 square foot pad at the southwest corner of the site. Portable toilets shall only be stored empty with no cleaning of tanks or disposal of chemicals or wastewater on the property.

The use shall be operated in accordance with the proposal statement and site plans dated June 2003 located in File Number PLP02-0072 as modified by these conditions. Expansion of the uses or exceeding the tonnage set forth in the proposal statement without obtaining an approved modification to this permit shall constitute a violation of this permit. Upon written request from the County or its designee, Permittee shall provide documentation of the actual uses and daily tonnage for purposes of verifying compliance with this condition, within ten business days of any such request.

The approval of this application (PLP02-0072) supercedes Use Permit and Design Review Permit UP/DRH 86-430 which was approved for a truck storage and repair yard for a waste hauler on the northern half of the site and UPE88-005 for a caretaker unit which no longer exists.

55. All loose recycled materials shall be covered and enclosed within a structure with the exception of the baler which shall be open on the south and east facing elevations. In addition, the entire site shall be enclosed on all sides by an opaque fence or wall not less than eight feet (8') in height and landscaped on all street frontages. All outdoor storage of recycled material, waste containers, portable toilets, or other equipment shall not be stacked to exceed the height of the fencing. The 50 cubic foot roll-out waste containers, which exceed the eight-foot fence height, may be stored outside but shall not be stacked.
56. Materials temporarily stored outside prior to shipment shall be baled, palletized, densified or placed in sturdy containers maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material.
57. Loose materials shall be baled, palletized or placed in containers within 24 hours of delivery to the site. Permittee shall develop and implement a system tracking how long loose materials are temporarily stored on the parcel. Upon written request from the County or its designee, Permittee shall provide documentation of how long specific materials were stored on-site in order to verify compliance with this condition within ten business days of any such request. Nothing in this condition shall be construed as permitting any sorting, packing, treatment, or any other activity beyond passive outdoor storage.
58. The site shall be maintained free of litter and any other undesirable materials, will be cleaned of loose debris on a daily basis, and will be secured from unauthorized entry and removal of materials when attendants are not present. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited.
59. All emissions of fumes, smoke, dust, particulate matter or odor shall comply with the latest rules and regulations of the Bay Area Air Quality Management District. Any such violation, once verified by the County, shall constitute a nuisance.

60. There shall be no cleaning of portable toilets or disposing of waste on-site in connection with the portable toilet rental business. The storage area for the units shall be limited to the approximately 15,000 square foot concrete pad located at the southwest corner of the site.
61. All vehicle, truck and container washing shall occur within the vehicle washing structure. All wash water shall be recycled back into the system with no wash water to be disposed of into the storm drains, septic or stormwater systems.
62. The repair and paint booth facilities shall be used for the repair and maintenance of the recycling trucks and equipment only. No personal or non-related commercial repairs or painting shall be permitted at this site.
63. Power-drive processing shall be permitted, provided noise level requirements of Condition No. 53 are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.
64. The light processing facility shall be no larger than forty-five thousand (45,000) square feet in total building area and may not shred, compact or bale ferrous metals other than food and beverage containers.
65. The facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.
66. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of the Permit and Resource Management Department or the Planning Commission, as appropriate. Such changes may require a new or modified use permit and additional environmental review.
67. In addition to any other remedy allowed by law or this permit and in the County's sole discretion, this permit shall be subject to revocation or modification by the Board of Zoning Adjustments (BZA) if: (a) a Sonoma County Administrative Abatement Hearing Officer or the BZA finds that there has been noncompliance with any of the conditions or (b) the BZA finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the applicable provisions of the Sonoma County Code.

In any case where a Use Permit has not been used within two (2) year after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

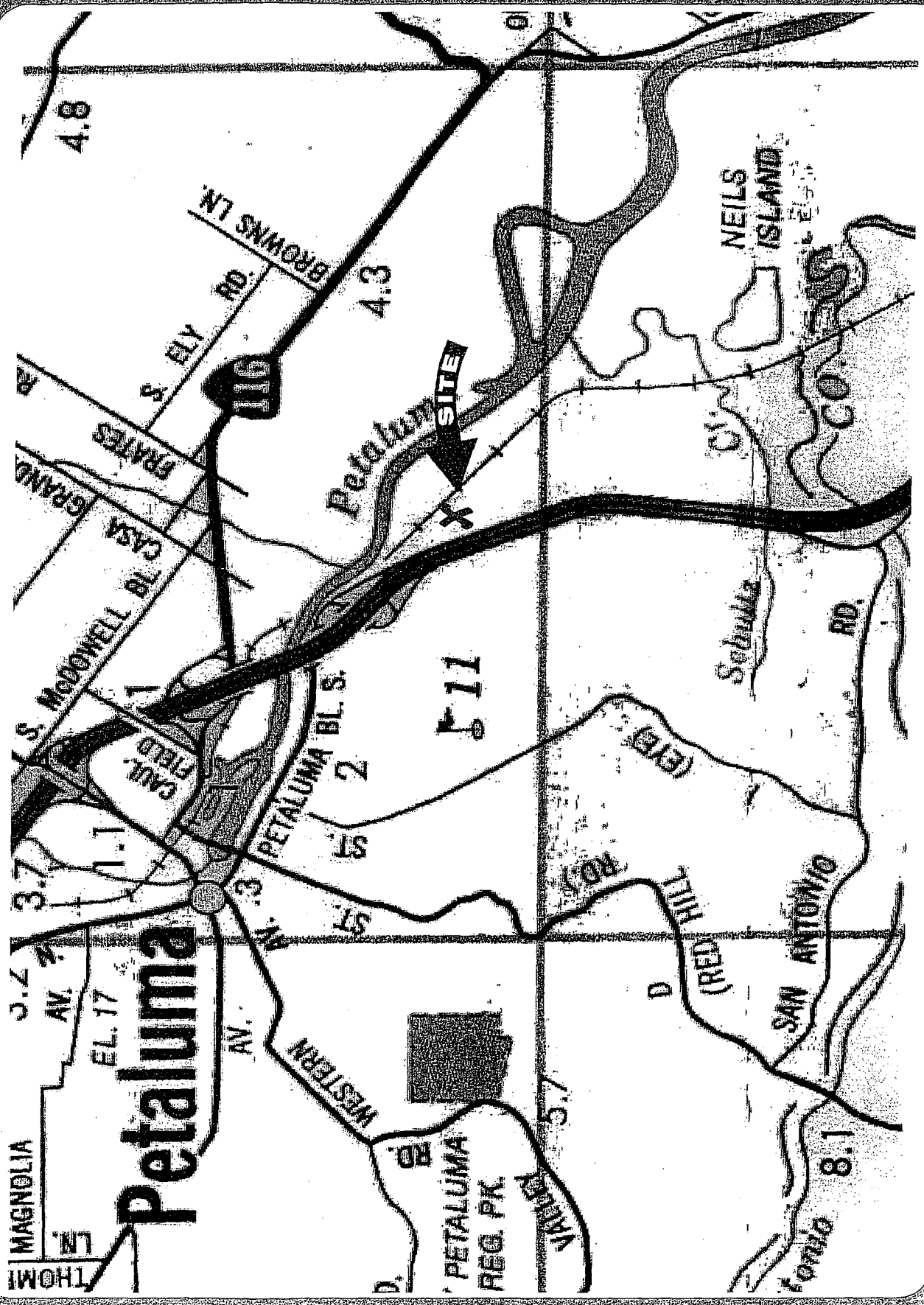
68. In order to secure compliance with these conditions of approval and to deter future violations of these conditions and in addition to any other remedy allowed by law or this permit, in the Director of the Department of Permit and Resources Management's sole discretion, any violation of this permit may be punishable by a fine not to exceed \$2,500 per day from the date of issuance through December 31, 2014 and \$3,125 per day from January 1, 2015 through December 31, 2030. Thereafter the maximum daily penalty shall increase by 25% every fifteen years. The amount of a penalty imposed under this condition shall be proportional to the gravity of the violation and shall comport with the "Penalty Calculation Sheet" or other penalty calculation policies, as approved by the Sonoma County Board of Supervisors. Each day that the violation

exists shall constitute a separate and distinct violation, punishable to the fullest extent allowed by law or this permit.

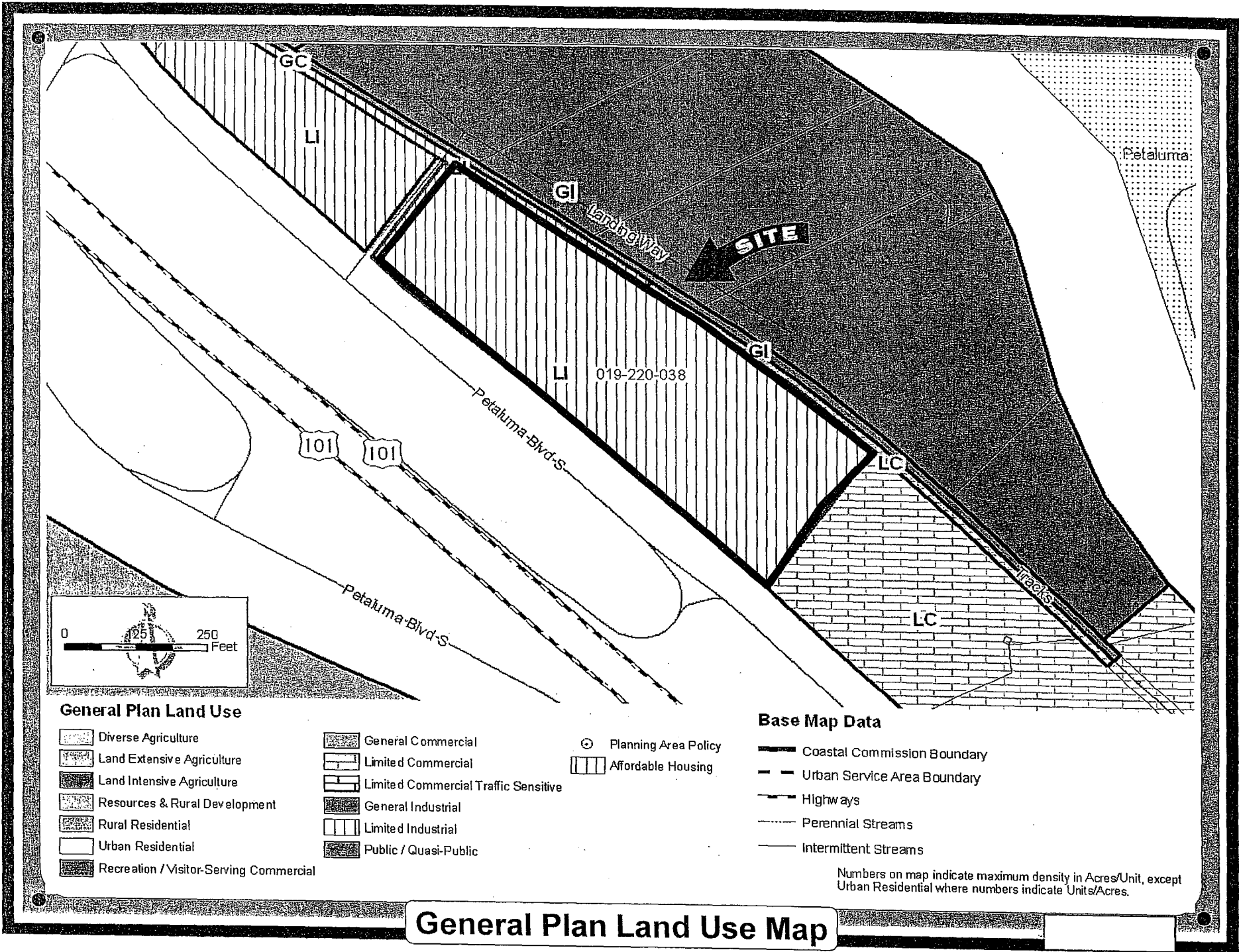
The Permittee may appeal any penalty imposed under this paragraph to a Sonoma County Administrative Abatement Hearing Officer and either the County or the Permittee may appeal the hearing officer's decision to a court in the time and manner required by law. In the event that the County, or its designee, successfully proves that the Permittee or its agents violated a condition of this permit to an administrative hearing officer or in a court of law, Permittee shall indemnify County for all costs and attorney fees incurred as the result of enforcing the conditions of approval of this permit.

69. Upon reasonable notice, Permittee hereby authorizes the County, or its designee, to enter and inspect the parcel for compliance with these conditions and the Sonoma County Code.
70. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The Applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. The director of PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by the Director of PRMD are limited to those items that were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from the Director, and shall not affect the original permit approval date or the term for expiration of the permit.

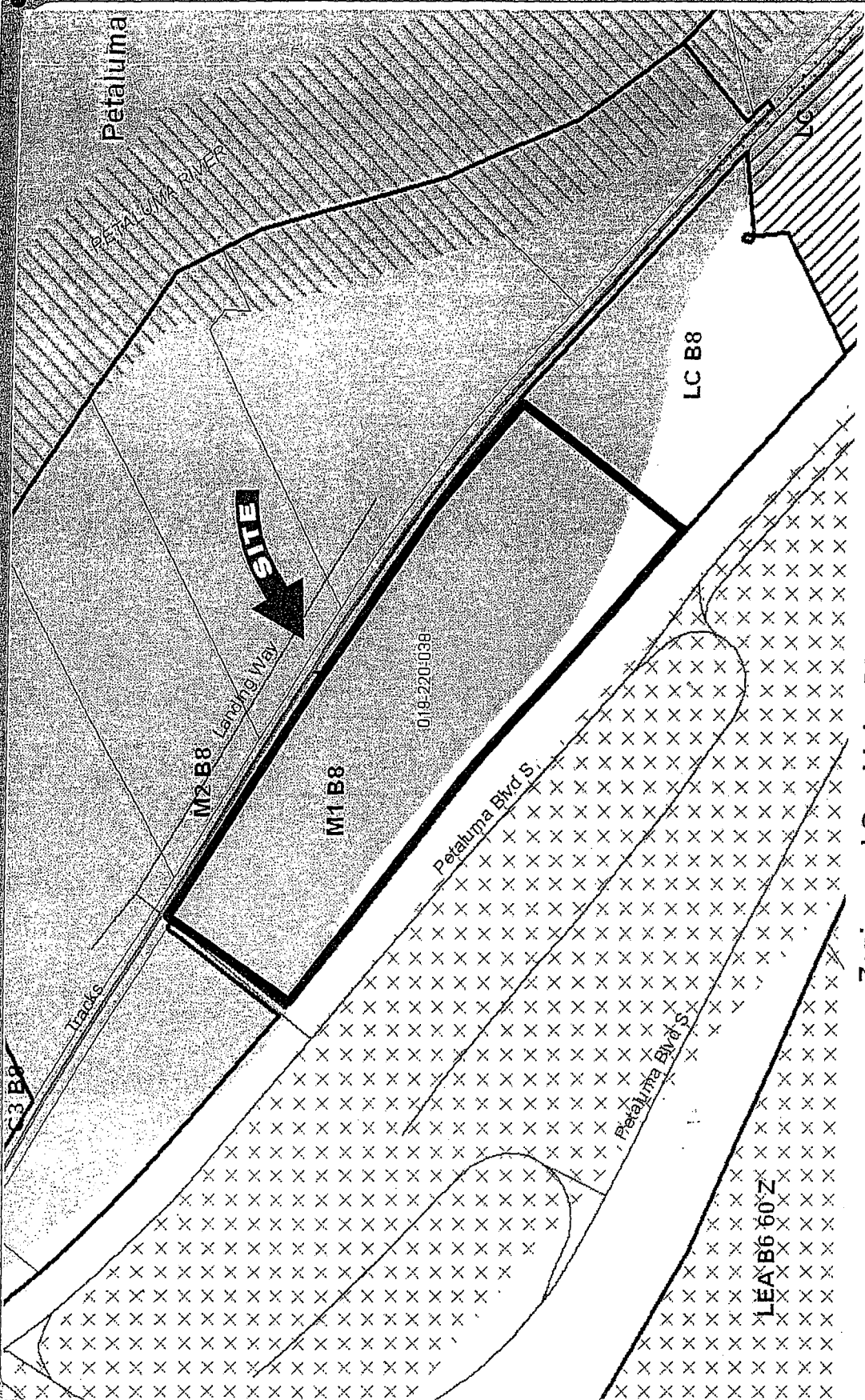
The Applicant and all successors in interest, shall comply with all applicable provisions of the Zoning Code.



Vicinity Map

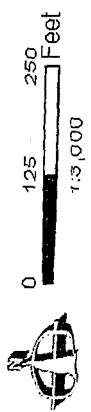


**General Plan Land Use Map**



**Zoning and Combining Districts**

- City Limit
- SD Scenic Design
- SR Scenic Resource
- MR Mineral Resource
- G Geologic Hazard
- F1 Floodway
- F2 Floodplain
- AH Affordable Housing
- Y VOH Valley Oak Habitat
- BR Biotic Resource
- HD Historic District



**Zoning Map**